

***United States Court of Appeals
for the Second Circuit***



APPENDIX

75-7210

IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

EULA LEE BLOWERS, individually and on behalf
of all other persons similarly situated,

Plaintiff-Appellant,

PATRICIA LOUGHNEY, et al.,

Plaintiffs-Appellants,

MARY NAGEOTTE, et al.,

Plaintiffs-Appellants,

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Applicant for Intervention-Appellant,

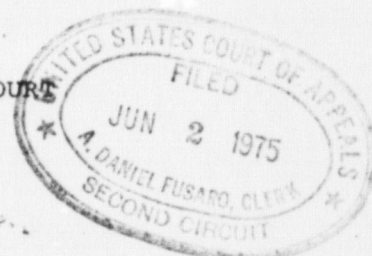
v.

LAWYERS COOPERATIVE PUBLISHING COMPANY, INC., et al.,

Defendants-Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

JOINT APPENDIX
VOLUME I, PAGES 1-178



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PAGINATION AS IN ORIGINAL COPY

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CIVIL DOCKET
UNITED STATES DISTRICT COURT

Jury demand date:

Civ-1973-47

D. C. Form No. 106 Rev.

| TITLE OF CASE | ATTORNEYS |
|--|---|
| EULA LEE BLOWERS, individually, and on behalf of all other persons similarly situated 50 Joanne Drive Rochester, New York | For plaintiff: Robinson-Williams- Robinson-&Angeleff 709 Reynolds-Avenue-Building Rochester, New York-14614 |
| VS. | Emmelyn Logan-Baldwin 510 Powers Building Rochester, New York 14614 |
| LAWYERS COOPERATIVE PUBLISHING COMPANY, INC. One Aqueduct Street, Rochester, New York DONALD BENNETT One Aqueduct Street, Rochester, New York CHARLES DONNER One Aqueduct Street, Rochester, New York ROBERT FEIN Rochester, New York | Appeal of EEOC (applicant for int. Kenneth M. Davidson, Esq., Director Equal Employment Opportunity Comm. One W. Genesee St., Rm. 1020 Buffalo, New York 14202 Charlyn J. Buss, Esq., EEOC Office of General Counsel 2401 E Street, N.W. Washington, D.C. 20506 |
| | For defendant: John B. McCrory, Esq. Nixon, Hargrave, Devans & Doyle Lincoln First Tower Rochester, New York 14603 (716) 546-8000 |

| STATISTICAL RECORD | COSTS | DATE | NAME OR RECEIPT NO. | REC. | D'SR. |
|-----------------------|--------------|---------|---------------------|-------|-------|
| J.S. 5 mailed | Clerk | 1-29-73 | # 7168 | 15 00 | |
| | | 1-31-73 | J.S. 5 CLERK | | 15 00 |
| J.S. 6 mailed | Marshal | | | | |
| Basis of Action: | Docket fee | | | | |
| Equal Employment | | | | | |
| Opportunity Act of 72 | Witness fees | | | | |
| Action arose at: | Depositions | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

iv-1973-47 Eula Lee Blowers, etc. v. Lawyers Cooperative Publishing Co., Inc., c

| DATE | PROCEEDINGS | Date Ord Judgment |
|--------|--|-------------------|
| 1973 | | |
| an. 29 | Filed Complaint | |
| 29 | Issued Summons & 4 copies | |
| 29 | JS 5 made | |
| eb. 6 | Filed Summons & Mar. ret. on S&C-served 2/1/73 on Lawyers Co-op., Donald Bennett, Charles Donner, Robert Fein | |
| 21 | " Defts'. Answer | |
| 21 | " Defts'. Notice of Deposition of Pltf. on 3/14/73 | |
| 26 | " First Interrogatories propounded by Deft. | |
| 27 | " Pltf's. Cross Notice of Deposition of Defts. on 3/14/73 | |
| ar. 22 | " (at Roch.) affidavit in support of motion and notice of motion for order compelling Defts. to appear for deposition, etc. ret. 3/26/73-to be submitted 4/9/73 | |
| 23 | " Defts'. Notice of Objection | |
| pr. 3 | " (at Roch) Defts'. Affidavit, Notice of Motion & Motion to dismiss-ret. 4/9/73 | |
| 3 | " (at Roch) Defts'. Affidavit, Notice of Motion & Motion for protective order-ret. 4/9/73 | |
| 3 | " Defts'. Affidavit, Notice of Motion & Motion to compel answers to interrogatories-ret. 4/9/73 | |
| 9 | " Pltf's. opposing affidavits | |
| 10 | " Pltf's. Notice of Motion & Motion for order adding add'l. pty. ptf's. & named members of the class, etc.-ret. 4/23/73 | |
| 9 | Motion for order compelling defts to appear for depositions, etc. Motion by deft. to dismiss. Motion by deft. for protective order. Motion by deft. to compel ans. to interr. Simultaneous briefs to be submitted 2 wks. from today. Each side will have 1 week in addition to reply | |
| 23 | Filed Defts'. Answering Affidavit on 3 motions filed 4/3/73 | |
| 23 | " Pltf's. supplemental affidavit in support of motion to add persons as named ptfs. and members of class | |
| 23 | Motion by Pltf. to add parties pltf., etc.-To be submitted 2 weeks from today | |
| 27 | Filed motion of United States Equal Employment Opportunity Commis- sion for leave to file brief amicus curiae and for extension of time in which to file brief | |
| 27 | " Pltf's. affidavit in support of motion to add persons as named ptfs. and members of class | |
| ov. 7 | " Order setting 11-19-73 for a preliminary evidentiary hearing- Burke, DJ Notice & copies to Mrs. Logan-Baldwin, Messrs. McCrory and Thomas | E-1 |
| 1974 | | |
| an. 14 | Filed Defts'. Second Interrogatories to Pltf. | |
| eb. 12 | " Pltf's. affidavit and notice of motion to compel Defts'. appearance for depositions; for protective order and for extension of time to answer 1st & 2nd interrogatories-ret. 3-11-74 | |
| ar. 11 | " Defts'. answering affidavit | |
| 11 | Motion by Pltf. to compel depositions. Class action hearing scheduled 3-26-74 at 10:00 AM | |
| pr. 5 | Filed Pltf's. notice of motion & motion to shorten time of Deft., Lawyers Co-op., to answer first interrogatories-ret. 4-8-74- adj. 4-22-74 | |
| 5 | " Pltf's. notice to produce | |
| 5 | " Pltf's. first interrogatories | |
| 19 | " Defts'. answering affidavit | |

Civ-1973-47 Eula Lee Blowers, etc. v. Lawyers Cooperative Publishing Co., Inc., et al.

C. 110 Rev. Civil Docket Continuation

| DATE | PROCEEDINGS | Date Judgm |
|----------|--|---------------|
| 1974 | | |
| Apr. 22 | Filed Defts'. affidavit and motion for protective order-ret. | |
| | 4-22-74 | |
| 22 | Pltf's. affirmation in support of Pltf's. motion and in opposition to Defts'. application to extend time to answer interrogatories and motion for protective order | |
| 22 | Motion by Pltf. to shorten time for responses to interrogatories. | |
| | Class action hearing set for 5-7-74 at 10:00 AM | |
| May 8 | Filed Pltf's. affirmation and notice of motion to compel discovery-ret. 5-13-74 | |
| 13 | Motion by Pltf. to compel discovery. All motions held until after class action hearing | |
| 20 | Filed Defts'. answering affidavit | |
| 20 | " subpoena to produce-served Donald Bennett 5-17-74 | |
| 20 | Class action hearing- adj. until date to be fixed by the Court | |
| 21 | Filed Pltf's. supplemental affirmation in support of motion to compel discovery | |
| 21 | " Pltf's. affirmation in support of application that this law suit should proceed as a class action | |
| 21 | " subpoena to testify-served Antoinette Ruffner 5-19-74 | |
| Sept. 20 | Class action hearing continued from 5-20-74 | |
| 23 | Filed subpoena to testify-served Millard Rutherford 9-13-74 | |
| 23 | " subpoena to produce-served Donald Bennett 9-18-74 | |
| Oct. 25 | " Equal Employment Opportunity Commission notice of motion for leave to intervene & to file its proposed Intervenor's Complaint-ret. 11-11-74 | |
| 29 | " transcript of proceedings on 5-20-74 and 9-20-74 (2 volumes) | |
| Nov. 7 | " Pltf's. affidavit in support of application for intervention | |
| 11 | " Defts'. affidavit in opposition to motion to intervene | |
| 11 | Motion by EEOC for leave to intervene. To be submitted one week from today | |
| 19 | Filed Pltf's. memorandum in reply to defts'. opposition to motion to intervene | |
| 21 | " EEOC brief on the maintenance of a class action | |
| Dec. 9 | " Defts'. affidavit and motion for a protective order-ret. 12-23-74 | |
| 23 | " Pltf's. affirmation & notice of cross motion for protective order & to compel discovery; opposition to Defts'. motion for protective order-ret. at Roch. 12-23-74 | |
| 23 | Defts'. motion for a protective order, etc. to be submitted 1-23-75 | |
| 1975 | | |
| Jan. 31 | Filed Defts'. affidavit (in Civ-1973-238) | |
| Feb. 6 | " EEOC notice of motion to intervene and motion to consolidate this case with Civ-1973-238 and Civ-1973-346 or in the alternative, to add all Pltfs. as parties in this action-ret. at Roch. 2-10-75 | |
| 6 | " Pltf's. certificate of service of the above motion | |
| 10 | Motion by EEOC to consolidate, etc. To be submitted one week from today | |
| 10 | Filed Pltf's. reply affirmation in support of cross motion for protective order and to compel discovery; opposition to Defts'. motion for protective order | |
| 17 | " letter from Pltf's. attorney to Hon. Harold P. Burke dated 2-17-75 | |
| 24 | " Decision & Order that the motion of EEOC to intervene is denied & consolidating Civ-1973-47, Civ-1973-238 & Civ-1973-346-Burke, DJ Notice & copies to Emmelyn S. Logan-Baldwin, Nixon Hargrave, Devans & Doble and Charlyn J. Buss | |

Civ-1973-47 Eula Lee Blowers, etc. v. Lawyers Cooperative Publishing Co., Inc.,

[illegible]

[Filed 1/29/73]

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

EULA LEE BLOWERS, individually, and on behalf
of all other persons similarly situated
50 Joanne Drive
Rochester, New York

Plaintiff

vs.

LAWYERS COOPERATIVE PUBLISHING COMPANY, INC.
One Aqueduct Street, Rochester, New York
DONALD BENNETT,
One Aqueduct Street, Rochester, New York
CHARLES DONNER
One Aqueduct Street, Rochester, New York
ROBERT FEIN
Rochester, New York

Defendants

COMPLAINT

JURISDICTION

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §1343(4); 42 U.S.C. §2000 (e) 5 (f) and 28 U.S.C. §§2201 and 2202. This suit is authorized and instituted pursuant to Title VII of the Act of Congress known as "The Civil Rights Act of 1964," Title VII as amended by the Equal Employment Opportunities Act of 1972, 42 U.S.C. §2000 (e) et seq. The jurisdiction of this Court is invoked to secure protection of and to redress deprivation of rights secured by (a) 42 U.S.C. §2000 (e) et seq., providing for injunctive and other relief against discrimination on the basis of sex in employment and (b) 42 U.S.C. §1981, providing for the equal rights of all persons in every state and territory within the jurisdiction of the United States.

2. Plaintiff brings this action on her own behalf and on behalf of other persons similarly situated pursuant to Rule 23 (b) (2) and 23 (b) (3) of the Federal Rules of Civil Procedure.

3. A charge of discrimination has been filed with the Equal Employment Opportunities Commission, the charge was properly deferred, more than 180 days elapsed since the Equal Employment Opportunities Commission took jurisdiction over that charge and the Equal Employment Opportunities Commission has issued a Right to Sue Notice to plaintiff. A copy of that Right to Sue Notice is attached hereto and made a part hereof as Exhibit A.

PARTIES

4. Plaintiff, Eula Lee Blowers is a private citizen residing at 50 Joanne Drive, Rochester, New York. From about May of 1960 through December 3, 1971, plaintiff was employed by defendant Lawyers Cooperative Publishing Company as a copy editor (Advance Reader), editor and/or supervisor.

5. Defendant, Lawyers Cooperative Publishing Company, is a New York Corporation engaged in the business of publishing law books. Its principal offices and principal place of business are at One Aqueduct Street, Rochester, New York. It is engaged in industry affecting commerce, and employs 25 or more persons.

6. Defendant, Donald Bennett, at all times mentioned herein, was and is the Personnel Director of defendant Lawyers Cooperative Publishing Company.

7. Defendant, Charles Donner, at all times hereinafter mentioned, was and is the manager of Editorial Services of the defendant, Lawyers Cooperative Publishing Company.

8. Defendant, Robert Fein, at all times hereinafter mentioned, was the manager of Editorial Division of the defendant, Lawyers Cooperative Publishing Company.

9. Plaintiff Blowers brings this lawsuit on her own behalf and on behalf of all those persons similarly situated. The class which plaintiff Blowers represents is composed of female persons who have been employed, are employed, might be employed, or have made application to be employed by defendant Lawyers Cooperative Publishing Company.

10. There are questions of law and fact common to the class affecting the rights of members of the class who are, and continue to be limited, classified and discriminated against in ways which deprive and tend to deprive them of equal employment opportunities and otherwise

adversely affect their status as employees because of sex. These persons are so numerous that joinder of all members is impracticable. A common relief is sought. The interests of said class are fairly and adequately represented by plaintiff. The defendants have acted or refused to act on grounds generally applicable to the class and the claims of plaintiff are typical of the claims of the class.

11. Common questions predominate over any questions affecting only individual members of the class and a class action is superior to other available methods for the fair and efficient adjudication of this controversy.

STATEMENT OF CASE

12. Plaintiff seeks declaratory judgment as to her rights and the rights of those similarly situated and preliminary and permanent injunctive relief, restraining the defendants from maintaining a policy, practice, custom or usage of (a) discriminating against the plaintiff and other persons similarly situated because of sex with respect to compensation, terms, conditions and privileges of employment and (b) limiting, segregating and classifying employees of defendant Lawyers Cooperative Publishing Company, in ways which deprive and have deprived the plaintiff and other persons similarly situated of equal employment opportunities and otherwise adversely affect their status as employees because of sex. Plaintiff also seeks damages for herself and individual members of the class.

13. The defendants have consistently and purposefully limited and deprived women employees, including the plaintiff Blowers, of their rights guaranteed to them under the United States Constitution and Federal Statutes, with the intent and design, both directly and indirectly, of fostering and protecting the advantage and advancement of male employees to the detriment of female employees.

COUNT I

14. Defendants maintain a policy of discrimination against its women employees, including the plaintiff herein, by virtually excluding them from certain job classifications including but not limited to: Purchasing Agent, Accountant, Computer Librarian, Truck Driver, Press Man, Managing

Editor, Professional Interviewer, Printing Personnel, Systems Analyst, Certain Machine Operators (highest paid operators in gathering, shipping, binding), all managerial positions and all positions above managerial level. Job classifications in Lawyers Cooperative Publishing Company determine the rate of pay an employee receives. Women customarily and uniformly have lower job classifications and lower rates of pay than male employees performing the same or similar duties or responsibilities and possessing the same skills.

COUNT II

15. Defendants maintain a policy, practice, custom and usage of discrimination against their women employees by placing women employees, including the plaintiff herein, in low, menial classifications while requiring them to perform work of high, technical and professional caliber and classification; the women receive pay, including overtime pay, at the low, menial level.

COUNT III

16. Defendants maintain a policy, practice, custom and usage calculated to discriminate against the female employees, including the plaintiff herein, by conscious practice of filling only certain jobs in their job classifications with women employees, which they carefully recruit with a design to hire only those women who will work for substandard wages and be docile. Lawyers Cooperative Publishing Company has at least five departments in which there has never been nor is there now a male employee.

COUNT IV

17. Defendants maintain a policy, practice, custom and usage of recruitment for employment which is directed to seeking and hiring only the white male for the best paying, career-oriented jobs, while seeking and hiring women, including the plaintiff herein, for low-paying, menial jobs with little or no career, supervisory or managerial potential.

COUNT V

18. Defendants maintain a policy, practice, custom and usage of excluding women, including the plaintiff, from training programs to which

men with the equivalent or less education and skills are enrolled either at the commencement of their employment or during certain stages in their employment. Men employees customarily finish training programs with job classifications not customarily granted their female counterparts.

COUNT VI

19. Defendants maintain a policy, practice, custom and usage of discriminating against its women employees by classifying and assigning jobs for the white male employee as jobs which are career, supervisory and managerial oriented while classifying jobs for women which are low paying and of menial nature and without career, supervisory or managerial potential.

COUNT VII

20. Defendants discriminate against their women employees by maintaining a policy, practice, custom and usage of promoting and transferring the employees so that the white male employees advance to the high-paying, career-oriented, supervisory or managerial positions while the woman employee is retained in low-paying, menial jobs which are not career, supervisory or managerial oriented.

COUNT VIII

21. Defendants discriminate against their women employees by maintaining a policy, practice, custom and usage of paying women employees of whatever job description, classification or job level, less than white male counterparts when the education, skill and competence of the women employees equals or exceeds the education, skill and competence of the white male employees engaged in the same or similar work.

COUNT IX

22. Defendants discriminate against their women employees by maintaining a policy, practice, custom and usage of fostering an atmosphere in the employment situation which is calculated to harrass, embarrass, humiliate and thereby cause the woman employee to "keep her place."

23. This practice, policy, custom or usage of defendants is evidenced from the initial interview with the female employee when Corporate agents ask of the prospective female employee questions calculated to isolate persons who have nothing but completely conventional social and political

ideas. Further, the initial interview of female employees is calculated to exclude from further prospect of employment all women who do not indicate their disinclination to have children and who fail to divulge such personal information to the Corporate interviewer as her menstrual cycle experience. Male prospective employees are not, so "screened."

24. Lawyers Cooperative Publishing Company fosters an atmosphere calculated to humiliate and depress the woman employee upon hiring by thereafter imposing restrictions on the movement of the employee during the normal working day including, but not limited to; checks on when the woman employee travels from one floor to another, when the female employee uses the restroom, takes a coffee break, etc. Further, the female employee is led to believe that company personnel are watching all of her moves, particularly the times when female employees are conversing among themselves. The company further seeks to intimidate and humiliate its female employees by removing from the individual employee's work area any poster, sign or note which expresses a sentiment which the company agent considers inappropriate. Company agents from time to time examine women's personal, private property in their desks. Male employees are not subjected to this surveillance of thought and action.

25. Defendants maintain and enforce a dress code which applies only to its women employees.

COUNT X

26. Defendants engage in a policy with respect to their women employees of arbitrarily denying a portion of periodic, mandated, wage increases for its women employees, wage increases to which those women employees would have been entitled in the application of the normal wage scales for that salary level.

COUNT XI

27. Defendants seek to heighten the employment disadvantage of the female employees by not posting information on promotion and transfer opportunities in other parts of the company for the benefit of female employees; when company officials are contacted by female employees with respect to promotion and/or transfer, company employees routinely give little or no information on these opportunities to female employees.

COUNT XII

28. Defendants discriminate against their women employees by maintaining a policy, practice, custom and usage of denying sick-leave and other benefits to their female employees who become pregnant during the course of their employment.

COUNT XIII

29. Defendants maintain a policy, practice, custom and usage of retaliating against their women employees who complain of the unlawful, discriminatory policies and acts of the defendants.

30. Defendants fired Eula Blowers from her position as supervisor of the Advance Reading Department on December 3, 1971 as an act of retaliation against plaintiff Blowers for her having complained of the defendants' actions denying plaintiff Blowers and other persons similarly situated, equal terms, conditions and privileges of employment. Defendants fired plaintiff Blowers from her position as supervisor of the Advance Reading Department because of her having called to the attention of defendants, certain unlawful, discriminatory practices of the company and because of her not having taken action against the employees under her supervision who had also complained of certain, unlawful, discriminatory practices of Lawyers Cooperative Publishing Company.

31. Plaintiff incorporates herein paragraphs 29-30 and makes the allegations therein a part hereof as though fully set forth.

COUNT XIV

32. Defendants maintain a policy, practice, custom and usage of attempting to intimidate female employees who complain of the company's illegal and discriminatory acts to public officials.

33. Defendants attempted to intimidate plaintiff Blowers from pursuing her complaints of illegal and discriminatory acts of defendants to the New York State Division of Human Rights; the defendants falsely accused plaintiff Blowers of stealing four boxes of annotations from Lawyers Cooperative Publishing Company valued by the company at \$20,000.00. In this regard, the defendants caused a criminal investigation to be initiated against plaintiff Blowers by the Rochester City Police Department.

34. Defendants caused company employees to visit plaintiff Blowers at her private residence early in the morning for the purpose of accusing plaintiff Blowers of theft of company copy and suggesting dropping of "company charges" against plaintiff Blowers if she would withdraw her complaint of discrimination previously filed with the New York State Division of Human Rights.

35. Defendants have caused numerous harrassing telephone calls to be placed to plaintiff Blowers at her private residence.

36. Defendants have threatened plaintiff Blowers about her returning to the company offices to collect her personal property. Defendants have appropriated and refused to return certain personal property of plaintiff including, without intending to limit, plaintiff's professional texts and an original manuscript.

COUNT XV

37. Plaintiff incorporates herein paragraphs 29 through 36 and makes the allegations therein a part hereof as though fully set forth.

38. Defendants caused there to be circulated a report among its employees that a bomb threat called into Lawyers Cooperative Publishing Company's place of business subsequent to the company having fired plaintiff Blowers was made by Eula Blowers because she was a disgruntled employee dissatisfied with the company's termination of her.

39. The rumors circulated by the defendants were calculated to discredit plaintiff Blowers in the eyes of her former professional colleagues and intended to intimidate plaintiff Blowers into withdrawing her complaints of unlawful and discriminatory action against defendants.

40. Plaintiff incorporates herein paragraphs 29 through 39 and makes the allegations therein a part hereof as though fully set forth.

COUNT XVI

41. Defendants maintain a policy, custom, practice and usage of attempting to "blackball" their women employees whom they fire because of their being "troublemakers" in making of complaints of unlawful and discriminatory acts and policies of the company. The defendants objective is to assure the former employee is not successful in securing other employment in her field in the Rochester area.

42. The defendants have taken steps to insure that plaintiff Blowers is "blackballed" in the Rochester area, including but not limited to the defendants maliciously circulating false information as to the reason for plaintiff Blowers termination.

EFFECTS OF DEFENDANTS ACTS

43. The effect, purpose and intent of the aforementioned policies and practices pursued by the defendants, have been, and continue to be, to limit, segregate, classify and discriminate against the plaintiff and others similarly situated, in ways which jeopardize the employment opportunities of the female workers and otherwise to affect adversely their status as employees because of these acts.

44. The foregoing acts of retaliation and intimidation of defendants were, in addition, maliciously calculated, for example, without intending to limit, (a) discredit plaintiff Blowers in the eyes of her former fellow workers, her professional associates and injure her reputation in the community; Eula Blowers had been greatly admired as an effective and good supervisor; the defendants feared that other persons in the Advance Reading Department who knew plaintiff Blowers would sympathize with plaintiff Blowers and might take action on Blowers' behalf and in fact take further action against the company to express their grievances against the company, (b) prove that women couldn't win in making complaints against the company and therefore that other employees of Lawyers Cooperative Publishing Company ought to profit by Eula Blowers' lesson and cease their activities to complain or risk losing their jobs, (c) demonstrate that defendants had always in the past and could continue to keep women in their place, (d) prove that defendants could continue to punish Eula Blowers for her past "misbehavior" in complaining of discrimination and could intimidate Eula Blowers from attempting to redress her complaints of discrimination by keeping Eula Blowers from getting another job.

45. All the practices herein alleged are continuing up to the present time despite plaintiff and others similarly situated having complained to the New York State Division of Human Rights and Equal Employment Opportunities Commission and the complaints of the plaintiff and others similarly situated having been found in the New York State Division of Human Rights to

"probable cause" of unlawful, discriminatory acts on the defendants' part.

46. Plaintiff and the class which she represents has no plain, adequate or complete remedy at law to redress the wrongs alleged herein and this suit for preliminary and permanent injunction is the only means of securing adequate relief. The plaintiff and the class she represents are now suffering and will continue to suffer irreparable injury from the defendants' policies, practices, customs and usages set forth herein.

47. By reason of the foregoing unlawful and discriminatory actions of the defendants, Eula Blowers has suffered damages. (a) Eula Blowers has been rendered sick and disabled by reason of the defendants' acts; by reason of defendants' acts, plaintiff Blowers has been placed under doctor's care. (b) By reason of the acts of the defendants, the physical and emotional illness caused by the defendants acts, plaintiff Blowers has not been able to perform her normal activities as professional writer and editor and as a homemaker and housewife. (c) By reason of the unlawful acts of the defendants, plaintiff Blowers has had great difficulty in finding any new employment in her field because of defendants' successful "blackballing" effort in the Rochester area.

PRAYER FOR RELIEF

48. Wherefore, the plaintiff respectfully prays that this court advance this case on the docket, order a speedy hearing at the earliest possible date, cause this case to be in every way expedited and upon such hearing to:

(1) Declare that defendants have discriminated and continue to discriminate against the plaintiff and the class that she represents on the basis of sex and violation of federal statutory and constitutional law;
in

(2) Grant the plaintiff and the class she represents preliminary and permanent injunctions enjoining the defendants, their agents, successors, employees, attorneys and those acting in concert with them and at their direction from continuing:

(a) To exclude women from certain job classifications, including but not limited to: Purchasing Agent, Accountant, Computer

Librarian, Truck Driver, Press Man, Managing Editor, Professional Interviewer, Printing Personnel, Systems Analyst, Certain Machine Operators (highest paid operators in gathering, shipping, binding), all managerial positions and positions above managerial levels.

(b) To place its women employees in low, menial classifications while requiring them to perform work of high, technical and professional caliber and classification.

(c) To fill only certain jobs in its job classification with women employees which it carefully recruits with the design to hire only those women employees who will work for substandard wages and be docile.

(d) To hire only the white male for the best paying, career oriented jobs, while seeking and hiring women for low-paid, menial jobs with little or no career, supervisory or managerial potential.

(e) To exclude women from training programs to which men with equivalent or less education and skills are enrolled either at the commencement of their employment or during certain stages of their employment.

(f) To classify and assign jobs for the white male employee which are career, supervisory and managerial oriented while classifying and assigning jobs for women which are low-paying and of menial nature and without career, supervisory or managerial potential.

(g) To promote and transfer employees so that the white male employee is advanced to the higher-paying, career-oriented, supervisory or managerial positions while the women employees are retained in low-paying, menial jobs which are not career, supervisory or managerial oriented.

(h) To pay women of whatever job description, classification or job level less than white male counterparts when the education, skill and competence of the woman employee equals or exceeds the education, skill and competence of the white male engaged in the same or similar work.

(i) To foster an atmosphere in the employment situation calculated to harrass, embarrass, humiliate and cause the woman employee to "keep her place."

(j) To subject female employees to examination of social and political ideas; to subject female applicants to questions on birth control or family planning; to subject female applicants to questions on menstrual cycle during the interview process.

(k) To maintain surveillance of female employees during the normal working day; to remove female employees' property from their work area; to examine any personal property of a female employee in her work area.

(l) To maintain and enforce a dress code against its women employees.

(m) To deny arbitrarily a portion of a periodic, mandated, wage increase to women employees.

(n) To fail to post pertinent information on promotion and transfer opportunities in other parts of the company for the benefit of female employees; to fail to give complete information of promotion and/or transfer opportunities when inquiries are made.

(o) To fail to provide sick leave and other benefits to female employees who become pregnant during the course of their employment.

(p) To retaliate against women employees for their complaining of illegal, discriminatory practices.

(q) To intimidate or attempt to intimidate any person for having complained of illegal, discriminatory acts.

(r) To "blackball" or attempt to "blackball" any person for having complained of illegal, discriminatory acts.

3. Grant the plaintiff and the class she represents, a preliminary and permanent injunction, enjoining the defendants, their agents, successors, employees, attorneys, and those acting in concert with them and at their direction from continuing and maintaining any policy, practice, custom or usage of denying, abridging, withholding, conditioning, limiting or otherwise interfering with the rights of the plaintiff and others similarly situated to enjoy equal employment opportunities as secured by Title VII of the Civil Rights Act of 1964, as amended.

4. Grant the plaintiff and the class she represents a pre-

liminary and permanent injunction enjoining the defendants, their agents, successors, employees, attorneys and those acting in concert with them and at their direction from continuing and maintaining any policy, practice, custom or usage of limiting and depriving plaintiff and the class she represents of opportunities for promotion or transfer because of sex.

5. Grant plaintiff Eula Blowers an order requiring the defendants to: (a) reinstate plaintiff Blowers to her employment at Lawyers Cooperative Publishing Company. (b) Reclassify plaintiff Blowers in a non-discriminatory classification. (c) Pay plaintiff Blowers on a non-discriminatory pay scale. (d) Restore seniority benefits to plaintiff Blowers. (e) Pay Eula Blowers back pay at the rate she would have received had she not been discriminated against from the time of her employment to the present with Lawyers Cooperative Publishing Company. (f) Offer Eula Blowers opportunity to participate in management training programs.

6. Establish a mechanism for the enforcement of the injunctions, by requiring the defendants to present to the court within 30 days from the issuance of the injunctions, a plan showing precisely and in detail how they will comply with the court's order that they cease and desist from policies, practices, customs and usages of discrimination against the plaintiff and members of the class on account of their sex as to compensation, terms, conditions, and privileges of employment; and pursuant thereto, that the court order that every woman with an employment contract with the defendants be paid wages or salary equivalent to that which they would have been receiving had they been men. Further, that the court order that every woman with an employment contract with the defendants be promoted to the position which she would have held had she been a man. That the court order that every woman with an employment contract with the defendants be awarded back pay in the amount of the difference between the wages the woman actually received and the wages the woman would have earned in the absence of illegal discrimination against her from the latter of their dates of employment by the defendants or the date on which Title VII of the Civil Rights Act of 1964 took effect.

7. Allow plaintiff the costs of the action herein, including reasonable attorney's fees, for the benefit of the class and for the representation of the class as a whole.

8. Award plaintiff and the members of their class damages by way of example against the defendants in an amount commensurate with the wrong and the defendants' ability to pay.

9. Award Eula Blowers \$1,000,000 compensatory damages for the discriminatory, unlawful acts of the defendants.

10. Grant such other and further relief as may appear to this court just and proper.

Respectfully Submitted,

EMMELYN LOGAN-BALDWIN
Attorney for Plaintiff
Office and Post Office Address
700 Reynolds Arcade
Rochester, New York 14614
Tel: 454-1990



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
1 WEST GENESEE STREET
BUFFALO, NEW YORK 14202
(716) 842 - 5170

Re:

NOTICE OF RIGHT TO SUE
WITHIN 90 DAYS

In Case No. TBU3 0046 before the Equal Employment Opportunity Commission, United States Government.

Eula Blowers
v.
Lawyers Cooperative Publishing Company

YOU ARE HEREBY NOTIFIED THAT:

WHEREAS, this Commission has not filed a civil action with respect to your charge as provided by section 706(F) (1) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq; and,

WHEREAS, this Commission has not entered into conciliation agreement to which you are a party;

THEREFORE, pursuant to §706(F) of Title VII, you may, within 90 days of your receipt of this Notice, institute a civil action in the United States District Court having jurisdiction over your case.

Should you decide to commence judicial action, you must do so within 90 days of the receipt of this letter or you will lose your right to sue under Title VII.

If you are not represented by counsel and you are unable to obtain counsel, the Court may, in its discretion, appoint an attorney to represent you.

Should you have any question concerning your legal rights or have any difficulty filing your case in court, please call Mr. Kenneth McCulloch of this office at (212)264-3644.



LLOYD C. BELL
District Director

11/9/72
DATE

EXHIBIT A

[Filed 2/21/73]

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

EULA LEE BLOWERS, individually and
on behalf of all other persons
similarly situated,

Plaintiff,

-VS-

LAWYERS COOPERATIVE PUBLISHING
COMPANY, INC., DONALD BENNETT,
CHARLES DONNER and ROBERT FEIN,

Defendants.

NOTICE OF
DEPOSITION

CIV 1973 - 47

PLEASE TAKE NOTICE that defendants will take the
deposition upon oral examination of plaintiff EULA LEE BLOWERS,
pursuant to Federal Rules of Civil Procedure, before a Notary
Public or some other officer duly authorized to administer
oaths on Wednesday, March 14, 1973, at 10:30 A.M., at One
Exchange Street, Rochester, New York 14603.

PLEASE TAKE FURTHER NOTICE that plaintiff is required
to produce any and all documentary evidence in her possession
relating, directly or indirectly, to the issues raised in
plaintiff's complaint.

Dated: February 20, 1973

NIXON, HARGRAVE, DEVANS & DOYLE

By

John B. McCrory
John B. McCrory
Attorneys for Defendants
One Exchange Street
Rochester, New York 14603
716-546-8000

TO: EMMELYN LOGAN-BALDWIN
Attorney for Plaintiff
700 Reynolds Arcade Building
Rochester, New York 14614

[Filed 2/26/73]

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

EULA LEE BLOWERS, individually and on
behalf of all other persons similarly
situated,

Plaintiff,

-vs-

LAWYERS COOPERATIVE PUBLISHING COMPANY,
INC., DONALD BENNETT, CHARLES CONNOR, and
ROBERT WEIN,

Defendant.

CIVIL ACTION NO.
CIV-1973-47

FIRST
INTERROGATORIES
PROFOUNDED BY
DEFENDANT

TO: EMMELYN LOGAN-BALDWIN, ESQ.
Attorney for Plaintiff
Office Address:
700 Reynolds Arcade Building
Rochester, New York 14614

SIRS:

Defendant requests that plaintiff answer under oath
in accordance with FRCP 33 the following interrogatories.

These interrogatories shall be deemed continuing
and shall be supplemented when necessary to reflect events
occurring and information becoming available subsequent to
the filing of initial answers. Plaintiff is requested to
answer each portion of each inquiry to the extent there is
no specific objection to each such portion.

DEFINITIONS:

- A. "You" or "your" shall mean the plaintiff.
- B. As used herein, "identify" and "state the
identity of," when used in reference to:

1. document shall mean to state the date, au-
thor, sender, recipient, type of document (i.e., a letter,
telegram, memorandum, book, chart, etc.) or other means of
identifying it, and its present location or custodian, and
in the case of a document within the possession, custody or

control of the plaintiff, whether plaintiff will make it available to defendant's attorneys for inspection and/or copying; and in the case of a document that was, but is no longer, in the possession, custody, or control of plaintiff, what disposition was made of it;

2. communication or communications shall mean to state the date, communicator, communicatee, any other person present at, or overhearing the communication, and the nature of the communications, and shall include any oral, written or visual contact between two or more persons wherein any information or document was exchanged between two or more persons;

3. data shall mean any document or communication as defined above and as referred to in the instructions.

4. source shall mean to state each of 1, 2 and 3 above which relate to the topic being inquired about;

5. person shall mean an individual, firm, partnership, corporation, proprietorship, joint venture, association, governmental bureau, branch, or agency, or any other organization or entity. In each case a response shall state the full name and present or last-known address of the person as defined, and the present or last-known position or job classification and business affiliation of an individual.

6. Employee shall include present and former employees of Defendant Lawyers Cooperative Publishing Company, Inc. and shall mean to state the full name, present or last known address, and present or last known position or job classification of the employee. If the employer is a former employee, the present employer of the employee shall also be stated.

C. As used herein, "relating to" means in any way, directly or indirectly, concerning, referring, or relating;

to, analyzing, considering, supporting, qualifying or negating.

D. "Date" shall mean the exact day, month and year if ascertainable, or if not, the best approximation.

E. "Place" shall mean the exact location, if ascertainable, within a building, which shall also be identified, or any other location if applicable and ascertainable or if not, the best approximation.

F. "Defendants" as used shall include the plural as well as the singular. If your response to any interrogatory refers to less than all of the Defendants, the particular Defendant(s) referred to in your response shall be specified by name.

Instructions

In answering each of the following interrogatories you are requested to identify all data relied upon by you in answer to each part, paragraph, or subparagraph thereof.

Interrogatories

1. With respect to paragraph 14 of your complaint:

(a) Identify all females who have applied, sought in any manner, or have mentioned a desire, for employment in the job classifications set forth in said paragraph.

(b) For all such females named in answer to subparagraph (1)(a) above, set forth:

1. the date and place where such application or expression seeking such employment was made.

2. the person(s) to whom such application or expression seeking such employment was made.

3. the specific response to such application or expression seeking such employment given by any officer or agent of Defendant(s) herein.
- (c) Identify each communication wherein defendant sought in any way to discourage females from holding jobs in the categories included in said paragraph.
- (d) Identify each female employee of Defendant Lawyers Cooperative Publishing Company who has a lower job classification than a male employee of Defendant Lawyers Cooperative Publishing Company yet who performs the same duties as such male employee. Identify each male employee cited for such comparison.
- (e) Identify each female employee of Defendant Lawyers Cooperative Publishing Company who has a lower rate of pay than a male employee of Defendant Lawyers Cooperative Publishing Company yet who performs the same duties as such male employee. Identify each male employee cited for such comparison.
- (f) Identify each female employee of Defendant Lawyers Cooperative Publishing Company who has a lower job classification than a male employee of Defendant Lawyers Cooperative Publishing Company yet who performs "similar" duties as such male employee. Identify each male employee cited for such comparison.
- (g) For each female identified in response to subparagraph (1)(f) above, set forth in detail the similarity between ²⁴ the job the female performs and the job the male performs.

- (h) Identify each female employee of Defendant Lawyers Cooperative Publishing Company who has a lower rate of pay than a male employee of Defendant Lawyers Cooperative Publishing Company yet who performs "similar" duties as such male employee. Identify each male employee cited for such comparison.
- (i) For each female identified in response to subparagraph (1)(h) above, set forth in detail the similarity between the job the female performs and the job the male performs.
- 2. With respect to paragraph 15 of your complaint:
 - (a) Identify each low, menial job classification maintained by Defendant Lawyers Cooperative Publishing Company that requires persons in such classification to perform work of "high, technical and professional caliber and classification."
 - (b) With respect to each job classification set forth by you in response to subparagraph 2(a) above, state with particularity:
 - 1. the profession referred to therein.
 - 2. the job requirements that are "high" and "technical."
 - (c) Identify any communication that sets or sets forth:
 - 1. the policy or policies referred to by you in said paragraph.
 - 2. the practice or practices referred to by you in said paragraph.
 - 3. the custom or customs referred to by you in said paragraph.

4. the usage or usages referred to by you in said paragraph.
- (d) Identify each female employee of Defendant Lawyers Cooperative Publishing Company, except yourself, who has been affected by the personnel action, or the type of personnel action, set forth by you in said paragraph.
3. With respect to paragraph 16 of your complaint:
 - (a) Identify the jobs in Defendant Lawyers Cooperative Publishing Company's job classifications referred to by you in said paragraph as those "certain jobs in their job classifications [filled with] women employees".
 - (b) Identify the women employees of Defendant Lawyers Cooperative Publishing Company who are "docile".
 - (c) Identify the communication or communications that set forth or relate in any way to Defendant Lawyers Cooperative Publishing Company's design of "recruiting...women who will work for substandard wages and be docile."
 - (d) Identify all "departments" of Defendant Lawyers Cooperative Publishing Company where there has never been nor is there now a male employee.
 - (e) For each department set forth by you in response to subparagraph (3)(d) above, identify each communication by any female that was circulated or otherwise intended to be a request in any form seeking to obtain a job in any of said departments.
4. With respect to paragraph 17 of your complaint:

- (a) Identify each communication by Defendant Lawyers Cooperative Publishing Company which sets forth the recruitment policy, practice, custom and usage referred to by you in said paragraph.
 - (b) Identify each woman employee of Defendant Lawyers Cooperative Publishing Company, excluding yourself, who was hired for the "low paying, menial jobs with little or no career, supervisory or managerial potential" as referred to by you in said paragraph.
 - (c) For each of the individuals named in response to subparagraph (4)(b), above, set forth the job or job title into which said individual was hired.
5. With respect to paragraph 18 of your complaint:
- (a) Identify each woman employee of Defendant Lawyers Cooperative Publishing Company, excluding yourself, who was or has been excluded from training programs while men of equivalent or less education and skills have been enrolled in said training programs.
 - (b) With respect to women identified in response to subparagraph (5)(a) above, identify each male employee of Lawyers Cooperative Publishing Company who did attend said training programs instead of the woman employee identified in subparagraph (5)(a) above.
 - (c) Identify each male employee who finished a training program with a job classification not customarily granted a female who was enrolled in the same training program.

- (d) Identify for each male employee identified in response to subparagraph (5)(c), above, the job classification granted to him at the finish of said training program or programs.
- 6. With respect to paragraph 19 of your complaint:
 - (a) set forth the jobs you referred to as "career, supervisory and managerial oriented."
 - (b) Set forth the jobs which are "low paying and of menial nature and without career, supervisory or managerial potential."
- 7. With respect to paragraph 20 of your complaint:
 - (a) Identify each woman employee of Defendant Lawyers Cooperative Publishing Company who has been denied a transfer or promotion to which they were entitled.
 - (b) With respect to each woman employee identified in response to subparagraph (7)(a), above, set forth why each woman employee was entitled to promotion or transfer.
 - (c) Identify each communication of the Defendants which set forth the transfer or promotion policy referred to by you in said paragraph.
- 8. With respect to paragraph 21 of your complaint:
 - (a) Identify each woman employee of Defendant Lawyers Cooperative Publishing Company who does the same work as a male employee yet is paid less for such work. Identify each male employee cited for comparison.
 - (b) Identify each woman employee who performs similar work as a male employee of Defendant.

Lawyers Cooperative Publishing Company yet receives less pay for such work. Identify each male employee cited for comparison.

- (c) With respect to all woman employees identified in response to subparagraph (8)(b), above, set forth why said work of the female is similar to the work of the male.
- (d) Identify all communications which refer to the policy, practice, custom and usage of Defendant Lawyers Cooperative Publishing Company referred to by you in said paragraph.

9. With respect to paragraph 22 of your complaint:

- (a) Identify each woman employee, other than yourself, of Defendant Lawyers Cooperative Publishing Company, who was, has been, or is being harrassed by Defendants and thereby caused to "keep her place" as referred to in said paragraph.
- (b) Identify each woman employee of Defendant Lawyers Cooperative Publishing Company, other than yourself, who was, has been, or is being embarrassed by Defendants and thereby caused to "keep her place" as referred to in said paragraph.
- (c) Identify each woman employee of Defendant Lawyers Cooperative Publishing Company, other than yourself, who was, has been, or is being humiliated by Defendants and thereby caused "keep her place" as referred to in said paragraph.
- (d) Identify each communication which disseminated the Defendant's policy, practice, custom and

usage of fostering the atmosphere of harrassment, embarrassment, or humiliation as referred to in said paragraph.

10. With reference to paragraph 23 of your complaint:

- (a) Identify each communication wherein any prospective female employee of Defendant Lawyers Cooperative Publishing Company was asked a question which was "calculated to isolate persons who have nothing but completely conventional social and political ideas" as referred to in said paragraph.
- (b) Identify each communication with any female employee of Defendant Lawyers Cooperative Publishing Company wherein any of the questions referred to in said paragraph were asked.
- (c) Identify all communications by Defendants which indicated in any way any view regarding child-bearing by employees of Defendant Lawyers Cooperative Publishing Company.

11. With respect to paragraph 24 of your complaint:

- (a) Identify each communication which restricted or tended to restrict the movement of women employees in and among the buildings of Defendant Lawyers Cooperative Publishing Company which were applied to women but were not applied to men.
- (b) Identify all communications which would lead a female employee "to believe that company personnel are watching all of her moves" as referred to in said paragraph.

- (c) Identify each female employee who believes that company personnel are "watching all of her moves" as referred to in said paragraph.
 - (d) With respect to individuals identified in response to subparagraph (11)(c), above, state with particularity the time and place that such employee formed her belief.
 - (e) Identify all communications which expressed any opinion of Defendants as to any posters, signs or notes that may have appeared on or in an employee's work area as referred to in said paragraph.
 - (f) Identify each woman employee of Defendant Lawyers Cooperative Publishing Company whose "personal, private property in their desk" was examined by Company agents as referred to in said paragraph.
 - (g) Give the date, time, and place each woman employee named in response to subparagraph (11)(f) above, was subjected to such examination as referred to in said paragraph.
12. With respect to paragraph 25 of your complaint:
- (a) Identify each communication from Defendants that expressed a dress code which in its entirety applied only to women employees.
13. With respect to paragraph 26 of your complaint:
- (a) Identify each "periodic, mandated, wage increase" as referred to in said paragraph which was arbitrarily denied to women employees.
 - (b) Identify each communication from Defendants

which set forth the policy with respect to women employees that arbitrarily denies periodic wage increases as referred to in said paragraph.

14. With respect to paragraph 27 of your complaint identify each communication wherein male employees were routinely given information on opportunities for promotion or transfer.
15. With regard to Paragraph 29 of your Complaint:
 - (a) Identify each woman employee of Defendant Lawyers Cooperative Publishing Company, other than yourself, who has been retaliated against for complaining of any allegedly discriminatory practices of Defendants as referred to in said paragraph.
 - (b) With respect to any individuals identified in response to subparagraph (a), above, identify each retaliatory communication directed against any such individual.
 - (c) Identify all communications which set forth the policy, practice, custom and usage of
16. With respect to paragraph 32 of your complaint:
 - (a) Identify each communication which referred to a policy, practice, custom and usage of intimidation as referred to in said paragraph.
 - (b) Identify each female employee of Defendant Lawyers Cooperative Publishing Company who was or has been intimidated as referred to in said paragraph.

- (c) With respect to all individuals named in response to subparagraph (16)(b), above, identify each communication which attempted to intimidate or serve to intimidate such individual as referred to in your complaint.
17. with respect to paragraph 41 of your complaint:
- (a) Identify each woman employee who Defendants have attempted to "blackball" as referred to in said paragraph.
 - (b) With respect to each individual named in answer to subparagraph (17)(a), above, identify all communications which were designed to or did in fact lead to such a "blackball" as referred to in said paragraph.
 - (c) Identify each former employee of Defendant Lawyers Cooperative Publishing Company who has not been "successful in securing other employment in her field in the Rochester area" because of Defendant's "blackball" as referred to in said paragraph.
 - (d) Identify each communication which set forth the "policy, custom, practice and usage of attempting to 'blackball'" by Defendant Lawyers Cooperative Publishing Company as referred to in said paragraph.
18. With respect to paragraph 43 of your complaint:
- (a) Identify each communication by Defendants which had the effect, purpose and intent to limit female workers as referred to in said paragraph.

- (b) Identify each communication by Defendants whose effect, purpose and intent was to segregate female workers of Defendant Lawyers Cooperative Publishing Company as referred to in said paragraph.
- (c) Identify each communication by Defendant Lawyers Cooperative Publishing Company which had the effect, purpose and intent to classify female workers of Lawyers Cooperative Publishing Company as referred to in said paragraph.
- (d) Identify each communication by defendants which had the effect, purpose and intent of discriminating against female workers of Lawyers Cooperative Publishing Company as referred to in said paragraph.

Respectfully submitted, this 22nd day of February, 1973.

Nixon, Hargrave, Devans & Doyle

By James H. Morgenstern
James H. Morgenstern

Attorneys for Defendants
Address and P.O. Address
One Exchange Street
Rochester, New York 14603
(716) 546-8000

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[Filed 2/27/73]

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

EULA LEE BLOWERS, individually and
on behalf of all other persons
similarly situated,

Plaintiff

vs.

LAWYERS COOPERATIVE PUBLISHING COMPANY, INC.,
DONALD BENNETT, CHARLES DONNER and
ROBERT FEIN,


Defendants

*
*
*
* CROSS NOTICE OF
* DEPOSITION
* CIV 1973 -- 47
*
*

PLEASE TAKE NOTICE that the plaintiff will take the depositions upon oral examination of the defendants and/or agents and/or employees of the defendants, Charles Donner, Donald Bennett, Pat Lipa, Frances LaDelfa, whose addresses are One Aqueduct Street, Rochester, New York and Robert Fein whose address is 1 Ten Eyke Circle, Pittsford, New York, pursuant to Federal Rules of Civil Procedure, before a notary public or some other officer duly authorized to administer oaths on Wednesday, March 14, 1973 at 10:30 A.M., and successive dates until completion of depositions at One Exchange Street, Rochester, New York 14603.

PLEASE TAKE FURTHER NOTICE that the defendants and/or agents and/or employees of the defendants are required to produce any and all documentary evidence in their possession relating directly or indirectly, to the issues raised in plaintiff's complaint.

DATE: February 23, 1973


EMMELYN LOGAN BALDWIN
Attorney for Plaintiff
Office and Post Office Address
700 Reynolds Arcade
Rochester, New York 14614
Telephone (716) 454 1990

TO: NIXON, HARGRAVE, DEVANS & DOYLE
John B. McCrory of Counsel
Attorneys for defendants
One Exchange Street
Rochester, New York
Telephone (716) 546 8000

LAW OFFICES OF
ROBINSON, WILLIAMS,
ROBINSON AND
ANGELOFF
ROCHESTER, N. Y.

[Filed 3/23/73]

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

EULA LEE BLOWERS, individually and on behalf
of all other persons similarly situated
50 Joanne Drive
Rochester, New York

Plaintiff

vs.

LAWYERS COOPERATIVE PUBLISHING COMPANY, INC. NOTICE OF MOTION
One Aqueduct Street, Rochester, New York
DONALD BENNETT,
One Aqueduct Street, Rochester, New York
CHARLES DONNER
One Aqueduct Street, Rochester, New York
ROBERT FEIN

Rochester, New York

Defendants

PLEASE TAKE NOTICE THAT upon the plaintiff's summons and complaint, the defendants' answer, the defendants' Notice of Deposition, the plaintiff's Cross Notice of Deposition and the defendants' First Interrogatories, and the affidavit of Ermelyn Logan-Baldwin, Esquire, duly sworn, March 22, 1973, the plaintiff will move at a motion term of this court to be held at the Federal Building, Church and Fitzhugh Streets, Rochester, New York at 10:00 a.m. or soon thereafter as counsel can be heard on the 26th day of March, 1973 for an order compelling the defendants to appear for depositions pursuant to the Notice of Deposition duly served on defendants by plaintiff, for a protective order of the court directing the deposition of plaintiff Eula Blowers shall be conducted with no one present except the plaintiff, the attorneys for the parties, and the officer taking the deposition, and an order granting the plaintiff an extension of time in

which to answer the First Interrogatories of the defendants until after the defendants have appeared for depositions duly noticed and produced documents duly requested.

DATE: MARCH 22, 1973

Emmett Logan-Baldwin
~~EMMETT LOGAN-BALDWIN~~
Attorney for plaintiff
19 Arnold Park
Rochester, New York 14607
442-4150 (Area code 716)

TO: NIXON, HARGRAVE, DEVANS & DOYLE
John B. McCrory, Esquire, Of Counsel
One Exchange Street
Rochester, New York
Attorney for defendants

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

EULA LEE BLOWERS, individually and on behalf
of all other persons similarly situated
50 Joanne Drive
Rochester, New York

Plaintiff

vs.

LAWYERS COOPERATIVE PUBLISHING COMPANY, INC.*
One Aqueduct Street, Rochester, New York
DONALD BENNETT,
One Aqueduct Street, Rochester, New York
CHARLES DONNER
One Aqueduct Street, Rochester, New York
ROBERT FEIN

Rochester, New York

Defendants

*AFFIDAVIT IN SUPPORT
OF
MOTION

STATE OF NEW YORK)
COUNTY OF MONROE) SS:
CITY OF ROCHESTER)

EMMELYN LOGAN-BALDWIN, being duly sworn, according to law
deposes and says:

1. I am an attorney and counselor at law duly liscensed to
practice my profession in the State of New York and duly admitted
to the Bar of the United States District Court for the Western
District of New York. My offices are located at 19 Arnold Park,
Rochester, New York. I am the attorney for the plaintiff in this
action. This affidavit is submitted by me in support of the
plaintiff's motion to compel attendance at depositions, to direct
that the deposition of plaintiff be taken with no person present
except the plaintiff, the attorneys for the parties, and the person
transcribing testimony and to extend the time for the plaintiff to
answer defendants' First Interrogatories until defendants hav
appeared for depositions duly noticed and produced documents duly
requested.

2. This lawsuit is brought pursuant to Title VII of the Civil Rights Act of 1964. This action is one to secure the protection of and to redress deprivation of rights to fair and equal employment opportunities secured by 42USC Section 2000(e) et seq and 42USC Section 1981. Plaintiff claims that the defendants maintain a policy, practice, custom and usage of (a) discriminating against the plaintiff and other persons similarly situated because of sex with respect to compensation, terms, conditions and privileges of employment and (b) limiting, segregating and classifying employees of the defendant Lawyers Cooperative Publishing Company, in ways which deprive and have deprived the plaintiff and other persons similarly situated of equal employment opportunities and otherwise adversely affect their status as employees because of sex. In one specific allegation, among others, plaintiff contends that she was fired from a position as supervisor of the Advance Reading Department at Lawyers Cooperative Publishing Company on December 3, 1971 by the defendants in retaliation against her for having complained of the defendants' actions denying her and other persons similarly situated, equal terms, conditions and privileges of employment and because of plaintiff Blowers having called to the attention of the defendants, certain unlawful, discriminatory practices of the company and because of plaintiff Blowers not having taken action against employee under her supervision who had also complained of certain unlawful, discriminatory practices of the defendants Lawyers Cooperative Publishing Company.

3. The summons and complaint in this action were served on all defendants on February 1, 1973. On or about February 20, 1973, defendants served their answer on attorney for plaintiff consisting of a general denial of plaintiff's allegations. With the service of defendants' answer, defendants served on attorney for plaintiff a Notice of Deposition, a copy of which is attached hereto and made a part as Exhibit A.

4. On February 23, 1973, defendants served on attorney for plaintiffs First Interrogatories propounded by defendants, a copy of which is attached hereto and made a part hereof as Exhibit B.

5. On February 23, 1973, plaintiff served Cross Notice of Deposition, a copy of which is attached hereto and made a part hereof as Exhibit C. Plaintiff's notice for depositions required the presence of defendants, agents of defendants and employees of defendants directly involved in plaintiff's complaint. The notice further required the defendants, agents and/or employees to produce any and all documentary evidence in their possession relating directly or indirectly to the issues raised in the complaint.

6. In advance of the date for the Examinations Before Trial, attorney for plaintiff notified attorney for defendants by letter of the order in which attorney for plaintiff wished to conduct the examinations of the defendants and advised the attorney for the defendants of specific documents in the defendants' possession which plaintiff considered relevant and which plaintiff was expecting be produced by the defendants at the Examination Before Trial. A copy of plaintiff's attorney's letter to defendants' attorney is attached hereto and made a part hereof as Exhibit D.

7. By the terms of plaintiff's attorney's notice for oral depositions, and by the communications from plaintiff's attorney to defendants' attorney, plaintiff put defendants' attorney on notice that plaintiffs were ready to proceed beginning March 14, 1973 at 10:30 a.m. and continuing in consecutive days until conclusion of the initial examinations of defendants, agents of defendants or employees of defendants, Charles Donner, Donald Bennett, Pat Lipka, Fran LaDolpha and Robert Fein.

8. On March 14, 1973, plaintiff and deponent duly appeared at the office of defendants' attorneys to begin the examination of Plaintiff Eula Blowers pursuant to notice. During the course of

the examination of plaintiff Blowers which continued from 10:30 a.m. to 5:00 p.m. with a break between 12:30 and 2:00 for lunch, deponent inquired of attorney for defendants of the anticipated time for the completion of the oral examination of plaintiff Blowers. Attorney for defendants indicated to deponent that he would require "about six days" of testimony from plaintiff Blowers.

9. At about 5:00 p.m. on March 14, 1973, attorney for defendants announced that he had concluded his examination of plaintiff Blowers that day and that he would then proceed to set an adjourned date for the continuation of plaintiff Blowers' testimony. Deponent informed attorney for defendants that she was ready to proceed, as indicated pursuant to her notice of examination and the information in her letter to attorney for defendants and that therefore, the examination should continue on March 15th and 16th and whatever successive days were needed to complete the initial examinations.

10. Attorney for defendants maintained that since he served his notice of examination first and since he had not completed his examination of plaintiff Blowers and was unavailable to complete the examination of plaintiff Blowers in successive days that plaintiffs must necessarily wait his completion of the examination of plaintiff Blowers before any examination of the defendants could proceed..

11. Deponent took repeated exception to defendants' attorney's position but defendants attorney refused to proceed with the examinations except upon his own terms. Defendants attorney even advised deponent that he would not make available to deponent at the examination before trial of the defendants the relevant items in the defendants possession which deponent had specifically requested defendants make available at the Examinations Before Trial. Defendants counsel maintained that deponent would have to proceed to the business offices of the defendants after giving twenty-four hours advance notice and inspect and copy, at 10 cents

per page, any of the materials requested in deponent's demand and which the defendants might furnish if they judged them relevant.

12. The only arrangement which attorney for defendants would make was the scheduling of a new date, at his convenience, for the continuation of the plaintiff Blowers oral deposition. Deponent subsequently notified attorney for defendants that she would produce plaintiff Blowers for the continuation of plaintiff Blowers' examination at the suggested date by defendants' attorney; deponent again took exception to defendants' attorney's refusal to proceed with the examinations as noticed. Copy of deponent's letter is attached hereto and made a part hereof as Exhibit E.

13. Deponent has just been notified by attorney for defendants that his newly scheduled date for the continuation of the Blowers examination is no longer convenient. A copy of defendants' attorney's letter is attached hereto and made a part hereof as Exhibit F.

14. Defendants' attorney's refusal to proceed with the examinations pursuant to the notice of examination is in direct defiance of Rule 26 of the Federal Rules of Civil Procedure, Subsection d, which provides "Unless the court upon motion, for the convenience of parties and witnesses and in the interest of justice, orders otherwise, methods of discovery may be used in any sequence and the fact that a party is conducting discovery, whether by deposition or otherwise, shall not operate to delay any other party's discovery."

15. Defendants cannot delay plaintiff's proceeding with discovery to which plaintiff is entitled until defendants feel that they have completed the examination of plaintiff. It is deponent's belief that the defendants intend to inordinantly delay and frustrate the discovery by plaintiff by postponing, re-scheduling and scheduling plaintiff's examination. Plaintiff has a right to proceed simultaneously with discovery and plaintiff accordingly requests an order compelling the defendants to be produced for the purposes of oral depositions beginning March 27, 1973

and to be available for consecutive business days thereafter until the completion of the initial examinations of Charles Donner, Donald Bennett, Pat Lipka, Fran LaDolpha and Robert Fein. Plaintiff requests that the court's order direct that the depositions be held at deponent's office, 19 Arnold Park, Rochester, New York.

16. Request is also made for an order of the court directing the defendants to produce at the Examinations Before Trial the materials requested in the Cross Notice for Deposition and particularly itemized to the defendants in advance of the commencement of the scheduled Examinations Before Trial by deponent's letter to defendant's attorney dated March 13, 1973 Exhibit D herein.

17. The failure of the defendants to produce the documents requested in the notices to the defendants is in direct defiance of Rule 30(b)5 which provides that on the notice of oral deposition to a party deponent, request may also be made for the production of documents and tangible materials at the taking of the deposition. Parties noticed for depositions by plaintiff on March 14, 1973 include Charles Donner, Donald Bennett, Robert Fein and Lawyers Cooperative Publishing Company.

18. The examination of plaintiff Blowers has proceeded under the most exasperating circumstances which deponent believes are calculated to annoy and harass the plaintiff. In spite of deponent's efforts to object to these circumstances, attorney for defendants maintains that he will conduct "his examination any way he wants." Plaintiff therefore requests a protective order pursuant to Rule 26(c) of the Federal Rules of Civil Procedure.

19. While attorney for defendants has refused to make the defendants and witnesses noticed for depositions available to testify pursuant to plaintiff's notice for deposition, attorney for defendants has insisted upon the presence of defendants

Charles Donner and Donald Bennett at the examination of plaintiff Blowers. Defendants' counsel maintains that no one has the right to exclude a party from any examination. Over deponent's continued objection on March 14, 1973, defendants' attorney finally agreed to remove from the examination room a non-party witness which defendants' attorney had present solely for the purpose of listening to plaintiff Blowers' testimony. At the afternoon session of the examination of plaintiff Blowers, defendants' attorney had present in the examination room persons which he would only identify, after persistent questioning from deponent, as "persons who were trying to decide whether they wanted to become lawyers." Attorney for defendants engaged in constant badgering of plaintiff Blowers during her testimony, over objection of deponent; defendants' attorney had present throughout the examination of plaintiff Blowers another lawyer associated with his law firm who was seated across from plaintiff Blowers and engaged in making of distracting movements and gestures, particularly during the afternoon session of Blowers' examination.

20. Throughout the examination of plaintiff Blowers, defendants Donner and Bennett took notes on plaintiff's testimony. The refusal of defendants' attorney to produce his clients for examination pursuant to notice and to produce documents duly requested to be produced and his insistence upon the presence of parties at plaintiff's examinations amounts to a concerted effort by the defendants to prevent any discovery by the plaintiff prior to the defendants having made a complete record of plaintiff's testimony and examined all of plaintiff's documents. Defendants are attempting to inordinantly delay the preparation of plaintiff's case while preparing their case in response with full knowledge of the testimony and exhibits.

21. The ends of justice will be defeated if the defendants are allowed to proceed as they have in total disregard of

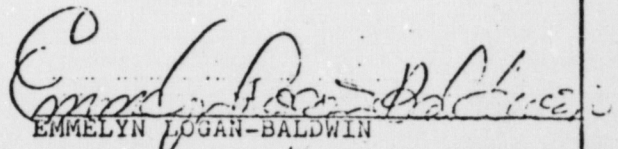
the Federal Rules of Civil Procedure. Defendants should not be allowed to prepare their case tailored in response to the plaintiff's case. There are a number of incidents and transactions at issue in this lawsuit which transpired between plaintiff Blowers and defendants Donner and Bennett. It is a long-recognized principle that courts in the interest of insuring truthful, objective and accurate testimony of witnesses and parties can sequester persons until the completion of the sworn testimony. Therefore, request is made pursuant to Federal Rule of Civil Procedure 26(c)(5) that the further examination of plaintiff Blowers be conducted only with the presence of the plaintiff, the lawyer for the defendants, the person transcribing the deposition, and deponent.

22. The defiance by the defendants of the Federal Rules of Civil Procedure in refusing to proceed with depositions duly noticed and to produce documents duly requested has denied the plaintiff the discovery to which she is entitled and has rendered impossible the plaintiff's response to defendants' First Interrogatories served on plaintiff February 23, 1973. Request is hereby made, therefore, for an order of the court extending the time in which plaintiff may answer or object to defendants' First Interrogatories to a time subsequent to the court's order directing the defendants to be present for depositions and produce documents duly requested.

23. The detailed responses requested of the plaintiff in defendants' First Interrogatories require plaintiff's having access to the documents which have been duly demanded pursuant to notice previously and which are in defendants' exclusive possession. For example, in Interrogatory I (a), the defendants request the plaintiff to identify all females who have applied, sought in any manner, or have mentioned a desire, for employment in the job classifications of Purchasing Agent, Accountant, Computer Li-

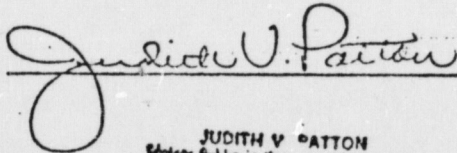
brarian, Truck Driver, Pressman, Managing Editor, Professional Interviewer, Printing Personnel, Systems Analyst, certain machine operators, all managerial positions and all positions above managerial level. The job requisitions, the transfer applications and other materials which might be existent to specify the information requested by the defendants is within the defendants' exclusive possession and defendants have denied plaintiff her lawful access to that information.

24. For the foregoing reasons, plaintiff requests that the court grant plaintiff's application for the orders herein requested.


EMMELYN LOGAN-BALDWIN

Sworn to before me this

22nd day of March, 1973



JUDITH V. PATTON
Notary Public at the County of New York
Monroe County
My Commission Expires March 30, 1975

Exhibit A is reproduced supra at p. 20

Exhibit B is reproduced supra at p. 21

Exhibit C is reproduced supra at p. 35

Exhibit D

THERON ROBINSON
MITCHELL T. WILLIAMS
CHAD ROBINSON
CARL ANGELOFF
FRANK A. ALOI
EMMELYN S. LOGAN-BALDWIN
EDWIN ROBERT SCHULMAN

ROBINSON, WILLIAMS, ROBINSON & ANGELOFF
ATTORNEYS AND COUNSELORS AT LAW
700 REYNOLDS ARCADE BUILDING
ROCHESTER, N. Y. 14614

484-1890
AREA CODE 716

March 13, 1973

John B. McCrory, Esq.
Nixon, Hargrave, Devans & Doyle
One Exchange Street
Rochester, New York 14614

Re: Blowers vs. Lawyers Cooperative
Publishing Company et Als.--
Federal Court action

Dear Mr. McCrory:

In regard to the examinations before trial that we will begin in the above noted case tomorrow and with respect to my cross notice of examination and demand for documents, I am expecting that the defendants will have available at the examination before trial for my inspection and copying at least the following documents:

1. All EEO-1 reports prepared and filed by Lawyers Cooperative Publishing Company.
2. All written materials of whatever nature in connection with the LCP policy on exempt employees.
3. All written materials of LCP in connection with the LCP policy as it pertains to non-exempt employees.
4. Entire personnel record of Eula Lee Blowers.
5. Entire personnel record of Charles Donner.
6. The health record that Lawyers Cooperative Publishing Company maintains on its employees, specifically Eula Blowers.
7. Any LCP written employee rules of whatever nature or description for the last five years.
8. All notes, memorandums or writings of any nature whatsoever outlining the Lawyers Cooperative Publishing Company policy on severance payments and other benefits afforded to company employees on termination.
9. Forms or any writing of any nature whatsoever used by Lawyers Cooperative Publishing Company personnel in interviewing prospective employees.
10. Interview forms or any writing of any nature whatsoever used by Lawyers Cooperative Publishing Company on the employment interviews of Eula Lee Blowers.

11. The form and/or any writing of any nature whatsoever which Lawyers Cooperative Publishing Company forwards to its physician in requesting a report on a prospective employee's health.
12. A list of the employment agencies used by Lawyers Cooperative Publishing Company in recruiting employees and an indication as to whether only certain employees for certain departments are recruited through certain agencies and if so which employees for which departments.
13. Employee requisition forms for all departments of Lawyers Cooperative Publishing Company for the last five years.
14. All affirmative action programs prepared by Lawyers Cooperative Publishing Company.
15. The maternity leave policy of Lawyers Cooperative Publishing Company for its employees for the last five years.
16. List all departments in Lawyers Cooperative Publishing Company. For each department, list the employees in that department including date of hire, sex, classification, advancement experience of the employee, salary experience of the employee, present salary.
17. List all supervisory positions at Lawyers Cooperative Publishing Company. With respect to each position give sex of the person holding the position, salary of the person holding the position, date of assuming the title, classification, salary progression of the employee and employment progression of the employee.
18. List all managerial positions for Lawyers Cooperative Publishing Company. With respect to each position, give the sex of the person holding that position, the classification of that person, the salary of that person, the salary progression experience of that person, the job progression experience of that employee, and the present salary of that employee.
19. List of Lawyers Cooperative employees in Advance Reading Department with names, sex, age, dates of hire, starting salary, salary progression, classification progression and current salary.
20. List of Lawyers Cooperative employees in Correspondence Department with names, sex, age, dates of hire, starting salary, salary progression, classification progression and current salary.
21. Job descriptions for LCP employees in Advance Reading Department for the last five years.
22. Job descriptions for employees in Correspondence Department for the last five years.
23. All memorandums or writings of any nature whatsoever describing the classification and labor grades and pay levels for Lawyers Cooperative Publishing Company employees.

24. Any memorandum, description or writing of any nature whatsoever describing Lawyers Cooperative Publishing Company training and/or apprenticeship programs for any job of whatsoever description at Lawyers Cooperative Publishing Company.
25. Memo from Lawyers Cooperative Publishing Company employee John Wright to all applicants dated March 10, 1971.
26. Applicant register for Lawyers Cooperative Publishing Company within the last three years.
27. Any writing of any nature whatsoever describing any LCP employee benefit for the last five years.
28. All performance reviews for Eula Blowers.
29. Any report, memorandum, note or writing of any nature whatsoever of Lawyers Cooperative Publishing Company concerning a complaint by Pat Lipka and/or Fran Jadolpha made in December, 1971, in connection with alleged remarks of Eula Blowers about the caliber of Testing Department personnel and/or supervisors.
30. Personnel record of Pat Lipka.
31. All notes, memorandums, documents, reports or writings of any nature whatsoever prepared or maintained by Lawyers Cooperative Publishing Company in connection with its decision of December 1971 to terminate Eula Blowers.
32. Termination form for Eula Blowers prepared by Lawyers Cooperative Publishing Company on or about December 3, 1971.
33. Termination report prepared by Lawyers Cooperative Publishing Company personnel on Eula Blowers on or about December 3, 1971.
34. The memorandum prepared by Lawyers Cooperative Publishing Company employee Charles Donner and distributed by Lawyers Cooperative Publishing Company employee Charles Donner in connection with the termination of Eula Blowers.
35. The name and address of the personal secretary of Lawyers Cooperative Publishing Company employee, Charles Donner during December 1971.
36. Any note, memorandum, report, record or writing of any nature whatsoever of any Lawyers Cooperative Publishing Company employee to other Lawyers Cooperative Publishing Company employees explaining or notifying company employees of the termination of Eula Blowers.
37. The written format used by Robert Fein during termination interviews.
38. Any note, memorandum, record or writing of any nature whatsoever indicating Lawyers Cooperative

- employability, as described by Lawyers Cooperative Publishing Company personnel.
61. All correspondence or any writing of any nature whatsoever directed to Lawyers Cooperative Publishing Company inquiring of a recommendation and/or comment on Eula Blowers for employment and all replies from Lawyers Cooperative Publishing Company personnel to such inquiries regardless of the form of such replies by Lawyers Cooperative Publishing Company personnel.
 62. List of employers, concerns, businesses, etc. to which Lawyers Cooperative Publishing Company personnel has distributed and/or furnished references on Eula Blowers.
 63. Listing of all voice-recording equipment owned by Lawyers Cooperative Publishing Company of any nature whatsoever for the last five years and a listing of the employees to whom that equipment was assigned for use and/or a listing of the employees who had access to or authority to use that equipment.
 64. All Lawyers Cooperative Publishing Company news articles or press releases of any nature whatsoever in regard to NOW complaints against LCP or any employee complaints against LCP since December 1971.
 65. Memo from Lawyers Cooperative Publishing Company employee Frank Ford to John Wright, re: Helen Brig transfer, dated March 3, 1971.
 66. All writings of whatever nature in connection with the application of Helmut Wolf for employment.
 67. Letter from Lawyers Cooperative Publishing Company employee John Wright to Helmut Wolf dated October 22, 1971.
 68. All writings in connection with the National Organization for Women complaint against LCP filed with the Office of Federal Contracts Compliance and all writings furnished by Lawyers Cooperative Publishing Company in response to those charges.
 69. All writings in connection with National Organization for Women complaint against LCP filed with the United States Department of Labor in connection with equal pay complaint and all materials of LCP in response to that complaint.
 70. Personnel file on Fran LaDolpha.

I expect to begin my questioning with Charles Donner, and then proceed with the questioning of Donald Bennett, Robert Fein, Pat Lipa and Fran LaDolpha. Please have your clients available for

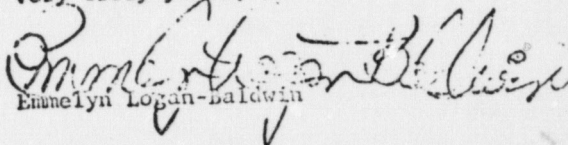
John B. McCrory, Esq.

-7-

March 13, 1973

examination in that order.

Very truly yours,


Emmelyn Logan-Baldwin

ELB:bw

Exhibit E

March 16, 1973

C
O
P
Y

Mr. John B. McCrory, Esquire
Nixon, Hargrave, Devans & Doyle
One Exchange Street
Rochester, New York 14614

Re: Blowers et als. vs. Lawyers
Cooperative Publishing Company et als.--
Federal court action

Dear Mr. McCrory:

My calendar permits the continuation of the Examinations before Trial in the above noted matter on March 22, 1973 at 10:30 a.m. Since you were unprepared and refused to proceed with these examinations on Thursday and Friday of this week, pursuant to the notices duly served and my understanding for the conducting of these examinations, I am not in a position to make a commitment at this time for any additional day or days that might be necessary to complete the testimony.

Very truly yours,

Emmelyn Logan-Baldwin

EL-B/fdo

Exhibit F

Nixon, Hargrave, Devans & Doyle

Attorneys and Counselors at Law

One Exchange Street

Rochester, N.Y. 14603

(716) 546-8000

WASHINGTON OFFICE
SUITE 404, 800 SEVENTEENTH ST. N.W.
WASHINGTON, D.C. 20006
(202) 672-0044

March 20, 1973

Re: Eula Lee Blowers, individually, and on behalf of all
other persons similarly situated v. Lawyers Cooperative
Publishing Company, Donald Bennett, Charles Donner
and Robert Fein

Our File No. 1947

Mrs. Emmelyn Logan-Baldwin
Robinson, Williams, Robinson & Angeloff
700 Reynolds Arcade Building
Rochester, New York 14614

Dear Mrs. Logan-Baldwin:

This will have reference to your letter, dated March
16th, which was delivered to me yesterday afternoon.

With respect to the scheduled continued deposition
of Mrs. Blowers on Thursday, March 22nd, I am sorry to advise
you that Supreme Court, Livingston County, has just notified
me to be present on that day for trial of a pending action.
Presumably that trial will take the balance of the week, and
perhaps part of next week.

Subject to the trial commitment, my calendar would
permit continuation of this deposition on the following dates:

Monday, March 26th
Thursday, April 19th
Monday, April 23rd
Wednesday, April 25th

I would appreciate it if you would let me know your desires so
far as these dates are concerned. I urge that you do so as soon
as possible, since my calendar tends to fill up rather quickly
for depositions in other cases, or actual trials, both of which
are the cause of my inability to provide you with more alternative
dates.

Very truly yours,

John B. McCrory
John B. McCrory

JBMCC:BJT
BY MESSENGER

[Filed 3/23/73]

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

EULA LEE BLOWERS, individually and on
behalf of all other persons similarly
subjected,

Plaintiff,

-vs-

LAWYERS COOPERATIVE PUBLISHING CO., INC.
DONALD BENNETT,
CHARLES CONNER, and
ROBERT FEIN,

Defendants.

Notice of
Objection:
FRCP 34(b)

Civil Action No.
CIV 1973 - 47

Defendants object to Plaintiff's request for production of documents served upon Defendants as part of her cross-notice for deposition on February 23, 1973 and amplified by Plaintiff's letter to Defendants' Counsel, dated March 13, 1973, to the extent that said notice requires Defendant to move documents from the documents' location at the offices of Lawyers Cooperative Publishing Company. In view of the volume and bulk of the documents requested by Plaintiff herein, Defendant will make available any and all documents for copying and inspection, pursuant to FRCP 34, at the offices of Defendant, Lawyers Cooperative Publishing Company, One Aqueduct Street, Rochester, New York, between the hours of 10 A.M. to 5 P.M. on any business day, upon 24 hours written notice delivered to Defendants and their Attorneys, that are within the proper scope of FRCP 26(b), for Plaintiff's inspection and copying. If copying is desired, it will be available at a cost to Plaintiff of ten (10) cents per page.

DATED: March 23, 1973

NIXON, HARORAVE, DEVANS & DOYLE

By James H. Horsten
James H. Horsten
Attorneys for Defendants
Office and P. O. Address
One Exchange Street
Rochester, New York 14603
Telephone: (716) 546-8000

TO: EMMELYN LOGAN-BALDWIN, ESQ.
Attorney for Plaintiff
Office and P. O. Address
19 Arnold Park
Rochester, New York 14607
Telephone: (716) 442-4150

[Filed 4/3/73]

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

EULA LEE BLOWERS, individually
and on behalf of all other
persons similarly situated,

Plaintiff,

-vs-

LAWYERS COOPERATIVE PUBLISHING
COMPANY, INC., DONALD BENNETT,
CHARLES DONNER and ROBERT FEIN,

Defendants.

:
:
: NOTICE OF
: MOTION

: FRCP 12(b), 16,
: 23(c)(1)

: CIV 1973-47

TO: EMMELYN LOGAN-BALDWIN, ESQ.
Attorney for Plaintiff
Office and P. O. Address
19 Arnold Park
Rochester, New York 14607
Telephone: (716) 442-4150

PLEASE TAKE NOTICE that the undersigned will bring a motion, pursuant to FRCP §§12(b), 23(c)(1) and 16, to dismiss the complaint and determine that this action should not proceed as a class action, for hearing before this Court at a Motion Term to be held at the Federal Building, Church and Fitzhugh Streets, Rochester, New York, on April 9, 1973, at 10:00 A.M., or as soon thereafter as counsel can be heard.

PLEASE TAKE FURTHER NOTICE that opposing affidavits must be received by April 6, 1973.

Dated: April 2, 1973

NIXON, HARGRAVE, DEVANS & DOYLE

By John B. McCrory
John B. McCrory
Attorneys for Defendants
Office and P. O. Address
One Exchange Street
Rochester, New York 14603
Telephone: (716) 546-8000

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

EULA LEE BLOWERS, individually
and on behalf of all other
persons similarly situated,

Plaintiff,

-vs-

LAWYERS COOPERATIVE PUBLISHING
COMPANY, INC., DONALD BENNETT,
CHARLES DONNER and ROBERT FEIN,

Defendants.

:
:
: MOTION TO DISMISS
:
: FRCP 12(b)
: FRCP 16
: FRCP 23(c)(1)
:
: CIV - 1973 - 47
:
:

TO: EMMELYN LOGAN-BALDWIN, ESQ.
Attorney for Plaintiff
Office and P. O. Address
19 Arnold Park
Rochester, New York 14607
Telephone: (716) 442-4150

The defendants move the Court as follows:

1. To dismiss the action because this Court lacks jurisdiction over the subject matter.
2. To dismiss all counts of the claim herein that seek relief on behalf of any individual other than plaintiff Eula Lee Blowers on the ground that plaintiff cannot meet the burden of FRCP 23(a) or (b); specifically (a) that Eula Lee Blowers has no claim for individual relief; (b) that Eula Lee Blowers' claim is not typical of the claim of the class as defined by plaintiff; and (c) that Eula Lee Blowers cannot fairly and adequately protect the interests of the class as defined by plaintiff.
3. That the Court order that the issues set forth in paragraph 2 above be set down for a hearing pursuant to FRCP 16.

4. That the Court permit only such discovery until the hearing ordered pursuant to FRCP 16 as pertains to Eula Lee Blowers' individual claim.

5. That the Court order that all discovery in furtherance of this action be suspended until such order pursuant to FRCP 16 is granted by this Court.

Dated: April 2, 1973

NIXON, HARGRAVE, DEVANS & DOYLE

By John B. McCrory
John B. McCrory
Attorneys for Defendants
Office and P. O. Address
One Exchange Street
Rochester, New York 14603
Telephone: (716) 546-8000

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

EULA LEE BLOWERS, individually and on
behalf of all other persons similarly
situated,

Plaintiff,

-vs-

LAWYERS COOPERATIVE PUBLISHING
COMPANY, INC., DONALD PENNETT,
CHARLES DONNER and ROBERT FEIN,

Defendants.

AFFIDAVIT

CIV - 1973 - 47

STATE OF NEW YORK:
COUNTY OF MONROE : SS:
CITY OF ROCHESTER:

JOHN B. McCrory, being duly sworn, deposes and says:

1. I am a partner in the firm of Nixon, Hargrave, Devans & Doyle, attorneys for defendants in this action.
2. This affidavit is made for the purpose of dismissing plaintiff's complaint insofar as it relies upon 42 USC § 1981 for jurisdiction, since § 1981 is a jurisdictional base only for racial, not sex discrimination.
3. This affidavit is also made for the purpose of dismissing so much of plaintiff's complaint as alleges claims for class relief on behalf of female persons who have been employed, are employed, might be employed, or have made application to be employed by defendant Lawyers Cooperative Publishing Company.
4. There are no questions of fact or law common to the class.
5. The claims of Eula Lee Blowers are not typical of the class because:
 - (a) Eula Lee Blowers is not employed by Lawyers Cooperative Publishing Company;
 - (b) Eula Lee Blowers' employment was terminated by Lawyers Cooperative Publishing Company for good cause;

(c) Eula Lee Blowers, while employed by Lawyers Cooperative Publishing Company, was a supervisory employee of Lawyers Cooperative Publishing Company;

(d) Supervisors make up a small portion of the employees of Lawyers Cooperative Publishing Company;

(e) Eula Lee Blowers was a manager of other employee at Lawyers Cooperative Publishing Company;

(f) If the allegations of the complaint are considered as true for the purposes of this motion, only Eula Lee Blowers has been terminated by Lawyers Cooperative Publishing Company in the manner and as a result of the circumstances she alleges in her complaint;

(g) Eula Lee Blowers was never refused employment by Lawyers Cooperative Publishing Company.

6. Eula Lee Blowers will not fairly and adequately protect the interests of the members of the class because her claim is unique.

7. If any female employees of Lawyers Cooperative Publishing Company believe they have been victims of violations of Title VII of the Civil Rights Act of 1964, prosecution of separate actions by such individuals would aid their ability to protect their individual interests.

8. Lawyers Cooperative Publishing Company has taken no position in reference to all its female employees that would make appropriate final injunctive relief with respect to all its female employees as a group.

9. Plaintiff's proposed class is so overly broad that any adjudication that attempts to deal with whatever

complaints all female employees might have would necessarily
result in poor relief for all and injustice to many in the class.

John B. McCrory
John B. McCrory

Sworn to before me

April 2, 1973.

James H. Morgenstern

JAMES H. MORGENSTERN

Notary Public in the State of New York

ROE COUNTY

Commission Expires March 22, 1975

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

EULA LEE BLOWERS, individually
and on behalf of all other
persons similarly situated,

Plaintiff,

-vs-

LAWYERS COOPERATIVE PUBLISHING COMPANY,
INC., DONALD BENNETT, CHARLES DONNER
and ROBERT FEIN,

Defendants.

AFFIDAVIT

CIV - 1973 - 47

STATE OF NEW YORK:
COUNTY OF MONROE : SS:
CITY OF ROCHESTER:

DONALD S. BENNETT, being duly sworn, deposes and
says:

1. I am the Director of Personnel of Lawyers Cooperative Publishing Company, Inc.
2. The personnel records of Eula Lee Blowers show that she is not an employee of Lawyers Cooperative Publishing Company, Inc.
3. Eula Lee Blowers was a supervisor at Lawyers Cooperative Publishing Company, Inc., but that her employment was terminated for good cause.
4. Eula Lee Blowers was not a "rank and file" employee but was a manager of other employees.
5. Supervisors are only a portion of the employees of Lawyers Cooperative Publishing Company, Inc.
6. If the allegations in Eula Lee Blowers' complaint before this Court were to be considered as true for the purposes of this motion, to my knowledge no one has ever been terminated by Lawyers Cooperative Publishing Company, Inc. in the way and after the events she alleges in her complaint.

7. Eula Lee Blowers was offered a job when she applied for employment at Lawyers Cooperative Publishing Company, Inc.

Donald S. Bennett

Donald S. Bennett

Sworn to before me

April 2, 1973.

James H. Morgenstern

JAMES H. MORGENSTERN

Notary Public in the State of New York
ROE COUNTY.
Commission Expires March 30, 1975

[Filed 4/3/73]

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

EULA LEE BLOWERS, individually
and on behalf of all other
persons similarly situated,

Plaintiff,

-vs-

LAWYERS COOPERATIVE PUBLISHING
COMPANY, INC., DONALD BENNETT,
CHARLES DONNER and ROBERT FEIN,

Defendants.

NOTICE OF MOTION
FRCP 26(c)

CIV 1973 - 47

TO: EMMELYN LOGAN-BALDWIN, ESQ.
Attorney for Plaintiff
Office and P.O. Address
19 Arnold Park
Rochester, New York 14607
Telephone: (716) 442-4150

PLEASE TAKE NOTICE that defendant will bring a motion for
a protective order pursuant to FRCP 26(c) on for hearing before
this Court at the Federal Building, Church and Fitzhugh Streets,
Rochester, New York on April 9, 1973 at 10:00 A.M., or as soon
hereafter as counsel can be heard.

PLEASE TAKE FURTHER NOTICE that answering affidavits
must be received by April 6, 1973.

Dated: April 2, 1973

NIXON, HARGRAVE, DEVANS & DOYLE

By John B. McCrory
John B. McCrory
Attorneys for Defendants
Office and P.O. Address
One Exchange Street
Rochester, New York 14603
Telephone: (716) 546-8000

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

EULA LEE BLOWERS, individually and
on behalf of all other persons
similarly situated,

Plaintiff,

-vs-

LAWYERS COOPERATIVE PUBLISHING COMPANY,
INC., DONALD BENNETT, CHARLES DONNER
and ROBERT FEIN,

Defendants.

MOTION

FRCP 26(c)

CIV - 1973 - 47

TO: EMMELYN LOGAN-BALDWIN, ESQ.
Attorney for Plaintiff
Office and P. O. Address
19 Arnold Park
Rochester, New York 14607
Telephone: (716) 442-4150

Defendants move this Court for an order directing that certain documents requested by plaintiff as a part of her Cross-Notice Deposition upon Oral Examination dated February 23, 1973 and amplified by her letter to counsel for defendants dated March 13, 1973 (copy attached hereto as Exhibit "A") shall not be made available to plaintiff on the grounds that said documents are requested by plaintiff simply to embarrass, annoy and humiliate employers and managers of defendant Lawyers Cooperative Publishing Company; further that some of said documents are confidential and prepared pursuant to Federal Law and should not be made available to anyone but Federal employees and agents acting within the proper scope of their employment, all as is more fully shown

by the affidavit of Donald Bennett, a copy of which is served and filed herewith.

Dated: April 2, 1973

NIXON, HARGRAVE, DEVANS & DOYLE

By John B. McCrory
John B. McCrory
Attorneys for Defendants
Office and P. O. Address
One Exchange Street
Rochester, New York 14603
Telephone: (716) 546-8000

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

EULA LEE BLOWERS, individually and
on behalf of all other persons
similarly situated,

Plaintiff,

-vs-

LAWYERS COOPERATIVE PUBLISHING
COMPANY, INC., DONALD BENNETT,
CHARLES DONNER and ROBERT FEIN,

Defendants.

AFFIDAVIT

CIV - 1973 - 47

STATE OF NEW YORK:
COUNTY OF MONROE : SS:
CITY OF ROCHESTER:

DONALD S. BENNETT, being duly sworn, deposes and says:

1. I am the Director of Personnel of Lawyers Cooperative Publishing Company.
2. That on March 13, 1973, plaintiff wrote a letter to defendants' counsel requesting production of seventy categories of documents, to be produced the next day, March 14, 1973.
3. I am informed and believe that on March 23, 1973 defendants served written notice of objection to the production of said documents at deposition pursuant to FRCP 34(b).
4. That this motion is supplementary to said notice of objection.
5. That, except as set forth below, Lawyers Cooperative Publishing Company will make available, at its offices, the material requested by plaintiff, in accord with its statement on the record at plaintiff's deposition upon oral examination of March 14, 1973 and its written notice of objection, FRCP 34(b), served on plaintiff March 23, 1973.
6. That defendants cannot produce the documents requested in plaintiff's request of March 13, 1973 numbered 6, 8, 24, 25, 29, 36, 37, 39, 47, 48, 52, 53, 56, 57, 58 and 61 because no such documents exist.

7. That defendants can produce only some of the documents requested in requests numbered 6, 31, 38, 40 and 41, because said documents do not exist. The documents that do exist will be available.

8. That plaintiff should be denied the opportunity to inspect the personnel records of Charles Donner, Pat Lippe and Fran La Dolpha, since said request is designed to harass and embarrass these individuals and disclosure of the personal information contained in said files can be of no relevance or value to plaintiff's action.

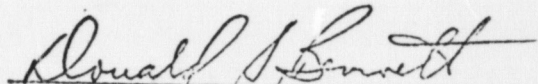
9. That plaintiff should be denied the opportunity to inspect the affirmative action program of Lawyers Cooperative Publishing Company. Said program is designed by Lawyers Cooperative Publishing Company as a part of its good faith efforts to comply with Federal Anti-Discrimination Laws. The documents are prepared in confidence for Federal Equal Employment Opportunity Programs. If this confidence is breached, the public policy set forth in Federal Anti-Discrimination Law will be defeated, since Lawyers Cooperative Publishing Company prepares its Affirmative Action Program with full candor and good faith in order that it may further efforts at Equal Employment Opportunity for all. If the program is made public at the whim of any one who files a complaint, the critical self-examination that is a part of Lawyers Cooperative Publishing Company's Affirmative Action Program will be defeated.

10. That plaintiff be denied all information as to individual names of employees of Lawyers Cooperative Publishing Company and their pay grades and salary progression. Said information is the concern of the individual employee and should not be available without the individual consent of said employee.

11. That Lawyers Cooperative Publishing Company be protected from giving any information as to the individuals, or their job descriptions, in the Correspondence Department. Said information has no bearing on any of the issues raised by plaintiff.

12. That Lawyers Cooperative Publishing Company be protected from giving any information as to the names, individual salary level, job progression and salary progression of supervisory and management personnel of Lawyers Cooperative Publishing Company. Said information is extremely confidential and should not be discussed without the consent of the individuals concerned. Said request by plaintiff is obviously an attempt by her to harass and embarrass the management and supervision of Lawyers Cooperative Publishing Company.

Dated: April 2, 1973


Donald S. Bennett

Sworn to before me this
2d day of April, 1973.

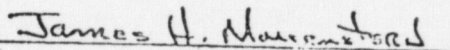

JAMES H. MORGENSTERN
Notary Public in the State of New York
ROE COUNTY.
Commission Expires March 30, 1975

Exhibit A is reproduced supra at p. 48

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

Defendants.

CIV - 1973 - 47

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

EULA LEE BLOWERS, individually and
on behalf of all other persons
similarly situated,

Plaintiff,

-vs-

LAWYERS COOPERATIVE PUBLISHING
COMPANY, INC., DONALD BENNETT,
CHARLES DONNER and ROBERT FEIN,

Defendants.

: MOTION TO COMPEL

: ANSWERS

: FRCP 37(a)

: CIV - 1973 - 47

TO: EMMELYN LOGAN-BALDWIN, ESQ.
Attorney for Plaintiff
Office and P. O. Address
19 Arnold Park
Rochester, New York 14607
Telephone: (716) 442-4150

Defendants move the Court, pursuant to FRCP 37(a), for an order directing plaintiff to answer the First Interrogatories propounded by defendant, heretofore served on plaintiff on February 23, 1973, on the ground that plaintiff, without justification, failed and refused to answer said Interrogatories, as is more fully shown by the attached affidavit of John B. McCrory, sworn to on April 2, 1973.

Dated: April 2, 1973

NIXON, HARGRAVE, DEVANS & DOYLE

By

John B. McCrory
John B. McCrory
Attorneys for Defendants
Office and P. O. Address
One Exchange Street
Rochester, New York 14603
Telephone: (716) 546-8000

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

EULA LEE BLOWERS, individually
and on behalf of all other
persons similarly situated,

Plaintiff,

-vs-

LAWYERS COOPERATIVE PUBLISHING
COMPANY, INC., DONALD BENNETT,
CHARLES DONNER and ROBERT FEIN,

Defendants.

:
: AFFIDAVIT IN
: SUPPORT OF
: MOTION
:
: CIV - 1973 - 47
:
:

STATE OF NEW YORK:
COUNTY OF MONROE : SS:
CITY OF ROCHESTER:

JOHN B. McCrory, being duly sworn, deposes and says:

1. I am a partner in the firm of Nixon, Hargrave, Devans & Doyle, attorneys for defendants herein.
2. That the summons and complaint herein was served on February 1, 1973. Said complaint included forty-seven detailed allegations.
3. That the answer herein was served on February 20, 1973.
4. That on February 22, 1973 written Interrogatories pursuant to FRCP 33 were served on plaintiff Eula Lee Blowers.
5. That plaintiff's complaint herein alleges many specific acts of discrimination on the part of defendants.
6. That defendants' first Interrogatories seek information about plaintiff's allegations entirely in accord with FRCP 33.

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7. That, as of the time of this affidavit, plaintiff Eula Lee Blowers has made no effort to supply any answers to any of said Interrogatories.

9. That even if plaintiff cannot answer each and every interrogatory, plaintiff should be ordered to make at least a minimal effort to further the course of the action that plaintiff herself brought alleging detailed acts of discrimination, by answering the interrogatories propounded by defendants.

10. That a copy of said first interrogatories is attached hereto and marked Exhibit "A".

John B. McCrory
John B. McCrory

Sworn to before me
this 2nd day of April, 1973.

James H. Morgenstern

JAMES H. MORGENSTERN
Notary Public in the State of New York
ROSE COUNTY,
Commission Expires March 1975

[Filed 4/9/73]

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

EULA LEE BLOWERS, individually, and on
behalf of all other persons similarly
situated
50 Joanne Drive
Rochester, New York

Plaintiff

vs.

LAWYERS COOPERATIVE PUBLISHING
COMPANY, INC.
One Aqueduct Street, Rochester, New
York
DONALD BENNETT,
One Aqueduct Street, Rochester, New
York
CHARLES DONNER
One Aqueduct Street, Rochester, New
York
ROBERT FEIN
Rochester, New
York

Defendants

OPPOSING AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF MONROE) SS:
CITY OF ROCHESTER)

EULA LEE BLOWERS, being duly sworn, deposes and says:

1. I am a private citizen residing at 50 Joanne Drive, Rochester, New York. I am the plaintiff in the above-noted action. This affidavit is submitted by me in opposition to motions made by the defendants for relief in three separate motions, the first motion being to dismiss one of the two independent jurisdictional bases for the law suit and to determine that this action should not proceed as a class action, the second motion of the defendants being a motion for a protective order to relieve the defendants of producing documents and the third motion being a motion by the defendants to direct answers to First Interrogatories propounded by defendants.

OPPOSITION TO MOTION TO DISMISS
ONE OF THE TWO INDEPENDENT BASES
FOR JURISDICTION OF THIS COM-
PLAINT AND MOTION TO DETERMINE
THAT THIS ACTION SHOULD NOT PRO-
CEED AS CLASS ACTION

2. I am informed and believe that this action is properly brought in this Court pursuant to the jurisdiction of this Court provided in 42 U.S.C. Section 2000 (e) 5 (f). As set forth in my complaint at numbered paragraph "3", I first filed my charge of discrimination with the Equal Employment Opportunity Commission after requisite procedures were followed with the Commission, the Commission issued a Notice of Right to Sue, which Notice of Right to Sue is attached to the complaint as Exhibit "A". My action is to secure protection of and to redress deprivation of rights secured by (a) 42 U.S.C. Section 2000 (e) et seq., providing for injunctive and other relief against discrimination on the basis of sex in employment and (b) 42 U.S.C. Section 1981, providing for equal rights of all persons in every state and territory within the jurisdiction of the United States. I am informed and believe that both of these sections provide separate, independent bases for the relief requested.

3. I bring this law suit on my own behalf and on behalf of all persons similarly situated. The class which I represent is composed of female persons who have been employed, are employed, might be employed, or have made applications to be employed by the defendant Lawyers Cooperative Publishing Company. I am informed and believe that my action is properly maintained as a class action because I believe that (1) the class that I represent is so numerous that joinder of all members is impracticable, (2) there are questions of law or fact common to the class, (3) my claims are typical of the claims of the class, (4) I can fairly and adequately protect the interests of the class, (5) the defendants have acted or refused to act on grounds generally applicable to the class and final injunctive relief and declaratory relief with respect to the whole class is appropriate, (6) questions of law or fact common to the members of the class predominate over questions affecting only individual members, and the class action is superior

to other available methods for the fair and efficient adjudication of the controversy.

4. I was first employed by Lawyers Cooperative Publishing Company in May of 1960. My first job was in the advance reading department, at the entry level. During my approximately eleven years of employment with defendant Lawyers Cooperative Publishing Company, I progressed from the entry level in the advanced reading department to become, in March of 1970, the supervisor of the advanced reading department. During the course of my employment, therefore, I have had extensive experience with the defendant company both as a "rank and file" employee and as a supervisor of other employees. Both as a "rank and file" employee and as a supervisor of other employees, I became aware of the commonplace policies, practices and customs of the defendants which were used to discriminate against me on the basis of sex and other female employees of the corporation, with respect to compensation, terms, conditions and privileges of employment; both as a "rank and file" employee and as a supervisor of other employees. I became aware of the ways in which the defendants limit, segregate and classify employees of Lawyers Cooperative Publishing Company in ways which deprived me and other female employees of equal employment opportunities.

5. I am informed and believe that the fact that I am not presently an employee of Lawyers Cooperative Publishing Company does not make me ineligible to bring this law suit on my own behalf and on behalf of all other persons who have been discriminated at Lawyers Cooperative Publishing Company. Lawyers Cooperative Publishing Company did not terminate my employment "for good cause." The circumstances of my termination from Lawyers Cooperative Publishing Company is one of the issues raised in this law suit. As I set forth in my complaint at numbered paragraph "30", I was terminated from employment with the defendants as an act of

retaliation against me for my having complained of the defendants' actions denying myself and other female employees, equal terms, conditions and privileges of employment. Additionally, the defendants terminated me from employment because of my having called to the attention of the defendants, certain, unlawful, and discriminatory practices of the company and because of my not having taken action against employees under my supervision who had also complained of certain, unlawful, and discriminatory practices of Lawyers Cooperative Publishing Company.

6. My claim of sex discrimination against the defendant includes, for example, that the recruitment practices of the defendants are to recruit white male employees for high-paying, supervisory and managerial positions while recruiting women employees only for low-paying, clerical and menial positions, that the training opportunities offered by the defendants are offered only to white male employees and denied to female employees, that the defendants promote white male employees so that white male employees will hold all the high-paying, managerial and/or supervisory positions while denying promotions to female employees so that female employees will remain in low-paying, clerical and menial positions, that the defendants transfer white male employees so that white male employees will be in high-paying, supervisory and managerial positions while refusing to transfer female employees so that female employees remain in low-paying, clerical and menial positions, that the defendants classify employees so that white male employees are classified solely for the high-paying, exempt, supervisory and/or managerial positions while women are classified so that they are in low-paying, menial, clerical and non-exempt positions, that the defendants grant titles and prestigious job descriptions to white male employees while denying any title or giving any prestigious job classification to female employees, that the defendants impose a dress code on female employees while

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not regulating male dress, that the defendants impose strict restrictions on the movement of female employees while imposing no limitation on the movement on male employees, that the defendants inquire into the ideas and associations of female employees while not inquiring of the ideas and beliefs of their male employees, that the defendants maintain "ghetto" departments where only women are employed, that the defendants exclude women from certain job classifications, that the defendants maintain pay scales aimed at paying women for whatever job classification, level or description, less than what is paid to male employees doing the same or similar work, and that the defendants retaliate against and intimidate female employees who complain of the defendants' unlawful discrimination.

7. As an employee and as a supervisor at Lawyers Cooperative Publishing Company, I have complained to the defendants of, for example, without intending to limit, the discriminatory hiring practices of the defendants, the discriminatory classification of females, the unequal pay to female employees, the maintenance by the defendants of "female ghetto departments", the defendants' failure to provide females with training opportunities, the failure of the defendants to provide transfer and promotion opportunities for females, the harassment and disparagement practiced by the defendants of female employees not only from the interview process but from the discriminatory restriction on the movements of female employees, the requirement of a dress code for females only and the criticism of females for ideas and beliefs. From my experience both as a "rank and file" employee with the defendants and as a supervisor, I know that my complaints about the defendants' unlawful sex discrimination are complaints that are shared by other women who have been or are employed by the defendants. The sex discrimination of which I complained is likewise discriminatory against those females who have made application to

be employed by the defendants and who might hereafter become employed by the defendants.

8. The incident which immediately preceded my termination by the defendants was an incident whereby the employees under my supervision in the advance reading department and the employees in the "brief epitomizer" department acted together to complain to the defendants of a new policy which further restricted the female employees' movement to go to and from the employee cafeteria for coffee. There were ten employees of the advanced reading department and two "brief epitomizers" who complained of the discriminatory new rule of the defendants in a meeting with the defendants in December of 1971. After this meeting at which time the employees complained of this discrimination, I was specifically asked by the defendants to name an employee who was "responsible" for the presentation of the complaint; when I informed the defendants that there was no particular employee responsible but that the employees' complaint grew out of long standing complaints of the employees about denial to them of equal terms, privileges and conditions of employment on the basis of sex, complaints that I had already called to the attention of the defendants, I was told that I had not heard the end of the incident. I was terminated from my position as supervisor of this department later that same afternoon.

9. Female employees in the advance reading department have expressed to me both in my capacity as "rank and file" employee of the defendants and as supervisor in the advance reading department their dissatisfaction with the classification, training opportunities, promotion opportunities, transfer opportunities and pay scales for women employees. According to information and belief, the defendants met subsequent to December, 1971 with all employees of the advance reading department and the "brief epitomizers" ostensibly to "answer" questions which these employees

have concerning denial of equal terms, privileges and conditions of employment to females only on the basis of sex.

10. I, as a "rank and file" employee and as a supervisor of the defendants, was denied equal pay, training opportunities, promotion opportunities, and transfer opportunities, for example, solely on the basis of my sex. I believe that other females, during my experience as a "rank and file" employee of the defendants and during my experience as supervisor for the defendants were routinely denied equal terms, conditions and privileges of employment, either in specific instances of denial to them solely on the basis of sex or by operation of the defendants' discriminatory recruitment, placement, transfer, promotion and classification schemes.

11. Since my filing of my complaint against the defendants charging the defendants' sex discrimination, I know of ten other females and the Genesee Valley Chapter of the National Organization for Women who have filed with the Equal Employment Opportunity Commission complaints of the defendants' discriminating against its female employees with respect to compensation, terms, conditions and privileges of employment and with respect to the defendants' limiting, segregating and classifying females in ways which deprive them of employment opportunities and otherwise adversely affect their status as employees because of sex. I know from reading the papers in the other complaints that my claims stated in this complaint are typical of the complaints which females in "rank and file" positions in my department and other departments of the Lawyers Cooperative Publishing Company have.

12. According to information that was elicited from the defendants in a separate administrative proceeding, it is my belief that Lawyers Cooperative Publishing Company has approximately 160 employees at its One Aqueduct, Rochester, New York street address, of which approximately 213 are female. It is my information

and belief that Lawyers Cooperative Publishing Company has about 393 employees at its Webster, New York location, of which 154 are female. Joinder of all the female employees of the defendants is impracticable. The acts of the defendants which I have alleged in my complaint operate to discriminate against all female employees of the defendants. The relief sought in my complaint, for myself and on behalf of the other female employees of the defendants is to eliminate the discriminatory practices on the basis of sex of the defendants. The common questions of the defendants' discriminatory practices and policies which operate to deny females equal terms, privileges and conditions of employment are paramount questions in this law suit. If this law suit does not proceed as a class action, there would necessarily be duplicated in numerous other law suits against the defendants proof of the same facts and circumstances that I allege in my complaint.

13. It is my understanding and belief that an individual may properly maintain a class action as a representative of other persons similarly situated. Since, as I previously noted, the filing of my complaint with Equal Employment Opportunity Commission, ten other employees of the defendants and the Genesee Valley Chapter of the National Organization for Women have complained of the same discriminatory practices that I have complained of. These ten individuals, female employees of the defendants, and the National Organization for Women, have decided to pursue their complaint against the defendants of illegal sex discrimination in a Federal Court action. These ten individual female employees of the defendants and the National Organization for Women desire to become additional, named party plaintiffs and members of the class in my law suit; I am requesting that the Court add these ten individuals and the National Organization for Women as additional named party plaintiffs and members of the class in this

law suit, by separate motion.

14. I am informed and believe that the Court has broad powers to insure that all interests of all class members are protected as class litigation proceeds. I am informed and believe that a class action could be maintained even with respect to particular issues. I believe, therefore, that since my claim is typical of the class and since there are common questions of fact and law to the class, and for other reasons I have outlined previously, my action is properly maintained as a class action.

OPPOSITION TO DEFENDANTS' MOTION
FOR PROTECTIVE ORDER TO RELIEVE
THEM OF THE RESPONSIBILITY OF PRO-
DUCING DOCUMENTS

15. All of the documents duly requested to be produced at the examinations before trial pursuant to the notice that I am informed and believe was served on the defendants on February 23, 1973 and as that request for documents was particularized in my attorney's letter of March 13, 1973, are directly relevant to the claims in this action and summarized in the paragraphs above. The documents that I request to be produced are relevant to my individual claim against the defendants of denial to me of equal terms, conditions, privileges and employment and unfairly segregating and classifying me on the basis of sex. Thus, while some of the documents are as well relevant to my claim as a representative of the class of female employees of Lawyers Cooperative, the Court should deny the defendants' request that "all discovery and furtherance of this action be suspended until such order pursuant to FRCP 16 is granted by this Court."

16. My request for the production of the personnel records of defendant and/or defendants' employees, Charles Donner, Pat Lipa and Fran La Dolpha is directly relevant to my claim that I was unlawfully fired by the defendants in retaliation for having complained of unlawful sex discrimination by the defendants.

and for my having failed to take action against other female employees who complained of unlawful sex discrimination. The account the defendants gave to employees of Lawyers Cooperative Publishing Company in connection with my termination by the defendants, was, among other facts, that I didn't get along with persons in the Testing Department of the company, that I had a conflict with the Testing Department, that I had a feud with the supervisor of the Testing Department, Pat Lippa. It is my understanding that the defendants maintain that Pat Lippa and Fran La Dolpha, the supervisor and an employee in the Testing Department made complaints about me to the defendants on December 3, 1971. Further, I understand that the defendants informed employees that a reason for my termination was that I didn't get along with management and that I was too vocal at supervisors' meetings.

17. I know from having been a supervisor with Lawyers Cooperative Publishing Company that the personnel forms include sections on the form for supervisors and managers to rate employees on teamwork, effectiveness in working successfully with others, working relations with others, et cetera. Examination of the personnel records of the defendant and/or employees, Charles Donner, Pat Lippa and Fran La Dolpha could contain information to disprove the account of the defendants of my termination.

18. My request for the production by the defendants of the affirmative action program of the defendants is directly relevant to my claim that the defendants discriminated against me by denying equal terms, privileges and conditions of employment and limiting and segregating my opportunities with the defendants solely on the basis of sex. I am informed and believe that the affirmative action programs prepared for the Federal Government are not prepared in confidence. I believe that the public policy of the Federal Government enacted through the

Civil Rights Act of 1964, as amended and certain executive orders is that all discrimination shall be brought to light as soon as possible and once disclosed eliminated immediately. I am informed and believe that the Courts have ordered the public disclosure of affirmative action programs pursuant to the Freedom of Information Act; I am as well informed and believe that the United States Department of Labor has recently directed disclosure of affirmative action programs. The existence of an affirmative action program to correct hiring practices which have resulted in underemployment of females cannot defeat any present claim for relief from existing discrimination within the company.

19. The request for documents showing the departments of Lawyers Cooperative Publishing Company, the employees in the department, including date of hire, sex, classification, advancement experience of the employee, salary experience of the employee and present salary is directly relevant to my claim that the defendants by their recruitment, classification, transfer and promotion policies have unlawfully excluded females from all but low-paying, clerical type jobs while affording the white male the opportunities for the supervisory or managerial positions with substantial salaries. This information is also relevant to my claim that Lawyers Cooperative Publishing Company pays its female employees of whatever job description or classification less than it pays male employees who have the same background, skill and education and who perform the same or similar work. My request for the same type of information from the defendants with respect to the supervisory positions and the managerial positions of Lawyers Cooperative Publishing Company is relevant on the same points.

20. I am informed and I believe that the information I have requested with respect to the classifications of individual

company employees, sex of that employee, advancement experience of that employee, salary experience of the employee, date of hire and present salary is the same type of information that has been found relevant and introduced in evidence in other cases of claims of sex discrimination.

21. My request for information on the defendants' employees in its correspondence department including sex of the employee, age, date of hire, starting salary, salary progression, classification progression and current salary is directly relevant to my claim for the reasons outlined in the preceding paragraph. Additionally, the information requested of the defendants in connection with the Correspondence Department is relevant because, in my capacity as supervisor in the advance reading department, I had occasion to inquire into possible transfers of employees into that department. It is my observation that the work performed by individuals in that department was far less skilled than the work performed by individuals in my department, the advance reading department, whereas the starting salaries in that department were much higher and continued to be much higher up the salary progression scale than the starting salaries and the salary progression in the advance reading department. It was my observation that the correspondence department ^{was} where males were employed while males had never been employed in my department.

OPPOSITION TO DEFENDANTS' MOTION
TO COMPEL ANSWERS TO INTERROGA-
TORIES

22. I am informed and believe that my motion to extend time in which to answer ^{or} object to the defendants' First Interrogatories was duly served on the defendants on or about March 22, 1973, prior to the time any responses to these interrogatories were due to be served on the defendants. I am also informed that the Court, at argument of this motion on March 26, 1973, took that motion as well as my other motions for protective order and

compelling defendants to appear for depositions, under advisement.

23. Since the defendants have failed to proceed with depositions duly noticed and to produce documents duly requested, denying me the discovery to which I am entitled, the defendants have made my response to the First Interrogatories impossible. The request of my motion was, therefore, for an order of the Court extending the time in which I might answer^{or} object to the defendants' First Interrogatories to a time subsequent to the Court's order directing the defendants to be present for depositions and produce documents duly requested.

24. While I am informed and believe that the defendants advised the Court at the time of oral argument of my motion on March 26, 1973, that they would make available all documents requested but only at the company offices on 24 hours notice to them and on expense to me of ten cents per page for copying, the defendants now move for a protective order excusing them from the production of certain documents I have requested as well as an order of the Court suspending all discovery in this case until the Court issues an order pursuant to FRCP.

25. These newest requests of the defendants to deny and/or delay my access to relevant information in support of my complaint are further evidences of the exasperating circumstances to which the defendants are subjecting me to in the process of discovery and serve as additional reasons for the granting of my previous motion to compel the defendants' attendance at depositions with the production of relevant documents and to grant a protective order in the conduct of my further examination.

ADDITIONAL ALLEGATIONS IN SUPPORT
OF PLAINTIFF'S MOTION FOR PROTEC-
TIVE ORDER AND FOR ORDER COMPELL-
ING DEFENDANTS TO APPEAR FOR
DEPOSITION

26. My motion for protective order directing that my continued deposition be taken only with myself, my attorney, de-

fendants' attorney and the person transcribing the testimony is based upon the exasperating circumstances described by my attorney in her affidavit supporting the motion dated March 22, 1973. I am in no sense reluctant to "face defendants" as I understand the defendants' attorney suggested to the Court on argument on March 26, 1973. However, some of my testimony will necessarily relate instances of conversations, meetings and contacts with the defendants. It is my belief that the interests of justice and the desire of the Court to arrive at the most accurate account of these events will be served by my giving testimony outside the presence of the defendants and the defendants completing their depositions without the advance knowledge of my testimony to the conversations and incidents.

27. Further, I believe that I am entitled to proceed with my examination under circumstances which are not calculated by the defendants to annoy or harrass me. In addition to the incidents which have been outlined in my attorney's previous affidavit of March 22, 1973, the defendants' attorney, at the conclusion of the examination, continually refused to return to my attorney originals of documents which I had produced for his examination, copying and use during the examination. Defendants' attorney finally returned my original documents as he was leaving the room but only after my attorney had stated her objection to the withholding of the documents numerous times.

Sworn to before me this
6th day of April, 1973.

Judith V. Patton

Notary Public

JUDITH V. PATTON
Notary Public in the State of New York
Monroe County
My Commission Expires April 12, 1975

Eula Lee Blowers

EULA LEE BLOWERS

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

EULA LEE BLOWERS, individually, and
on behalf of all other persons
similarly situated
50 Joanne Drive
Rochester, New York

Plaintiff,

vs.

OPPOSING AFFIDAVIT

LAWYERS COOPERATIVE PUBLISHING COMPANY,
INC.
One Aqueduct Street, Rochester New York
DONALD BENNETT,
One Aqueduct Street, Rochester, New York
CHARLES DONNER
One Aqueduct Street, Rochester, New York
ROBERT FEIN

Rochester, New York

Defendants.

STATE OF NEW YORK)
COUNTY OF MONROE) SS.
CITY OF ROCHESTER)

EMMELYN LOGAN-BALDWIN, being duly sworn, according to
law, deposes and says:

1. That I am an attorney at law duly licensed to practice my profession in the State of New York; I am admitted to practice before the Bar of the United States District Court for the Western District of New York. My offices are located at 19 Arnold Park, Rochester, New York. I am the attorney for the plaintiff in this law suit. This affidavit is submitted by me in further support of plaintiff's motion for order compelling the defendants to appear for depositions, for protective order of the Court directing the deposition of plaintiff Eula Blowers shall be conducted with no one present except the plaintiff, the attorneys for the parties, and the officer taking the deposition and for an order granting the plaintiff an extension of time in which to answer or object to defendants' First Interrogatories, such motion being dated March 22, 1973. This affidavit is also submitted in opposition to the motions of the defendants to

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(1) dismiss one of the two separate jurisdictional bases of the

complaint and to determine that this action should not proceed as a class action, (2) to grant the defendants a protective order relieving them from the production of documents and (3) to compel the plaintiff to answer defendants' First Interrogatories.

2. At time of argument of plaintiff's motion dated March 22, 1973, defendants' attorney suggested that a stipulation as to persons present for Eula Blowers' examination was made between the parties. After deponent's repeated objections to the presence of defendants Donner and Bennett and witness Lippa, defendants' attorney agreed to remove witness Lippa from the examination room. Deponent then inquired of defendants' counsel his position on plaintiff's presence at the defendants' examinations and defendants' attorney indicated he would raise no objection. Deponent asked defendants' attorney whether he would stipulate with respect to plaintiff's presence at future depositions and other proceedings as well as stipulate to the exclusion of other persons from the examination room. Defendants' attorney indicated agreement on the former but refused to make any commitment on the latter.

3. The continual annoyance and harrassment of the plaintiff throughout the course of the all-day examination conducted by defendants' attorney and summarized in deponent's previous affidavit dated March 22, 1973, dictate the Court's granting of the protective order for the conducting of plaintiff's future examination.

4. In addition to the circumstances outlined in deponent's previous affidavit of March 22, 1973, deponent had difficulty securing from defendants' attorney, at the conclusion of the deposition, the originals of documents which plaintiff had produced for copying by the defendants, examination by the defendants and use by the defendants during plaintiff's examination. Defendants' attorney himself instructed the reporter to note deponent's

objections to his withholding the originals of the documents "about six times."

5. Defendants first took the position that they objected to plaintiff's demand for protection of documents because plaintiff's demand for relevant documents was extensive and it would be burdensome to expect that the defendants produce the documents pursuant to the duly served notice of deposition and demand for documents, at the depositions. Defendants reiterated this position at oral argument on plaintiff's motions before the Court on March 26, 1973. As deponent recalls, defendants' attorney stated that he would make available all the company records requested at the company office but he wanted to be relieved of the task of producing these documents at depositions pursuant to the notice and demand for documents.

6. In the newly filed motions by the defendants, the defendants now maintain that significant numbers of these documents are non-existent and cannot be produced for that reason. Deponent knows from information gained through a state administrative investigation of some of plaintiff's claims that certain of the documents requested in her demand in this case were acknowledged by the defendants as existent a few months ago and now are suggested by the defendants to be non-existent. For example, plaintiff has asked in item No. 57 of demand for documents for "any notes, memorandum, reports or any writing of any nature whatsoever prepared by any Lawyers Cooperative Publishing Company personnel in connection with missing or misplaced property of Lawyers Cooperative Publishing Company advance reading department employees from December, 1971 to date." Deponent has information that defendant Donner told New York State Division of Human Rights that he had prepared a letter to Eula Blowers concerning "missing rules" of persons in the Lawyers Cooperative Publishing Company advance reading department.

7. Under these circumstances, it is all the more imperative that plaintiff's motion to compel the defendants to appear for depositions and to produce the documents duly requested be granted. It is imperative that explanation be made for documents relevant to this case which were once existent and which might no longer be existent; plaintiff should have the opportunity to proceed immediately to question the defendants' on her claims and to establish the existence of documents and question the defendants on those documents and make copies of those documents.

8. The jurisdictional basis for the plaintiff's complaint is set forth in Paragraph "1" of the complaint and is Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000 (e) 5 (f). This Court's jurisdiction has been invoked to secure protection of rights secured both by 42 U.S.C. Section 2000 (e) et seq. and 42 U.S.C. Section 1981. These sections provide two separate, full and independent bases for granting the relief plaintiff claims.

9. This action is properly brought as a class action as is more fully set forth in the affidavit of plaintiff submitted herewith. As plaintiff outlines in her affidavit, there have been a number of complaints against the defendants charging the defendants with sex discrimination -- denial of equal terms, privileges and conditions of employment to females solely on the basis of sex and classifying and segregating females on the basis of sex to their detriment in their employment situation. I represent the plaintiff in this action but also represent ten other individual employees of the defendants who are rank and file employees of the defendant Lawyers Cooperative Publishing Company and presently work in various departments of the defendant corporation at both the One Aqueduct Street, Rochester, New York address and the Webster, New York address. I also represent the Genesee Valley Chapter of the National Organization

for Women which has, along with the ten other employees, filed charges of sex discrimination against the defendants with the Equal Employment Opportunity Commission.

10. I am familiar both with the pleadings in the present case and with the claims of the other employees and the Genesee Valley Chapter of the National Organization for Women before the Equal Employment Opportunity Commission. There are common questions of law and fact presented in plaintiff's complaint and in the claims of the ten other employees and the Genesee Valley Chapter of the National Organization for Women. Both the plaintiff in this case and the ten other employees and the Genesee Valley Chapter of the National Organization for Women charge the defendants with pervasive patterns, practices, customs and usages of sex discrimination.

11. Because of the common questions of law and fact in this case and in the cases of the ten other Lawyers Cooperative Publishing Company employees and the Genesee Valley Chapter of the National Organization for Women, the other employees and now are asking in a separate motion to this Court made by the plaintiff to be made additional party plaintiffs and named members of the class in this law suit. There will be a necessity for numerous individual law suits should the present law suit not proceed as a class action.

12. The Equal Employment Opportunity Commission has already issued a Right to Sue Notice to employee Patricia Doughney; the Commission will presently issue Right to Sue Notices to the other nine employees and NOW. However, once one member of the class has properly initiated the law suit, here Eula Lee Blowers, the other members of the class need not wait to bring their law suits.

Subscribed and sworn to before me.

4-5-75
JUDITH V. PATTON
Notary Public in the State of New York
My Comm. Expires March 30, 1977

[Filed 4/10/73]

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

| | | |
|---|---|------------------|
| EULA LEE BLOWERS, individually, and on behalf of all other persons similarly situated 50 Joanne Drive Rochester, New York | * | NOTICE OF MOTION |
| Plaintiff, | * | and |
| vs. | * | MOTION |
| LAWYERS COOPERATIVE PUBLISHING COMPANY, INC. One Aqueduct Street, Rochester, N.Y. DONALD BENNETT, One Aqueduct Street, Rochester, N.Y. CHARLES DONNER, One Aqueduct Street, Rochester, N.Y. ROBERT FEIN, | * | RULE 21 |
| Rochester, N.Y. | * | |
| Defendants. | * | |

PLEASE TAKE NOTICE that upon all the pleadings and proceedings heretofore had herein, the affidavit of EMMELYN LOGAN-BALDWIN, ESQ., duly sworn, April 6, 1973, the affidavit of PATRICIA A. LOUGHNEY, duly sworn, April 6, 1973, the affidavits of MARY NAGEOTTE, VINCENZA LINDA GRICE, PAT PRUSAK, ELIZABETH ARES, MARGARET MOULTON, BEVERLY NATROUR, VIRGINIA SWEENEY, and JANE PLITT-SELMAN, duly sworn, April 6, 1973, the plaintiff will move at a motion term of this Court to be held at the Federal Building, Church and Fitzhugh Streets, Rochester, New York, at 10:00 A. M., or as soon thereafter as counsel can be heard, on the 23rd day of April, 1973 for an Order of the Court adding as additional party plaintiffs and named member of the class, PATRICIA A. LOUGHNEY, MARY NAGEOTTE, VINCENZA LINDA GRICE, PASHA BAKER, PAT PRUSAK, ELLEN MICHELSON, ELIZABETH ARES, MARGARET MOULTON, BEVERLY NATROUR, VIRGINIA SWEENEY and the Genesee Valley Chapter of the National Organization for

Women.

The grounds for this motion are as follows:

1. Plaintiff has brought this lawsuit individually and on behalf of all female persons similarly situated to redress denial by defendants of equal terms, conditions and privileges of employment to females who have been, are, or would be employed by the defendants.

2. The individual persons seeking to be added as named party plaintiffs and members of the class in this lawsuit filed similar complaints of denial to them, as employees of defendants, of equal terms, privileges and conditions of employment by the defendants to them solely on the basis of sex. These charges of sex discrimination have been filed with the Equal Employment Opportunity Commission.

3. The Genesee Valley Chapter of the National Organization for Women has likewise filed charges of sex discrimination practiced by the defendants with the Equal Employment Opportunity Commission.

4. The individual persons and N.O.W. desire to litigate their claims and wish to be added as additional party plaintiffs in this lawsuit because

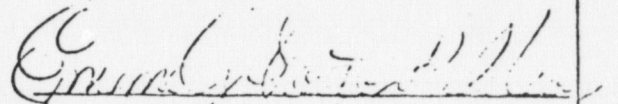
A. There are questions of law and fact common to the plaintiff's complaint and their case.

B. The claims of the plaintiff and themselves are typical of the claims of females who have been and who are or who would be employed by the defendants.

C. These persons will fairly and adequately represent the interests of females who have been, are or would be employed by the defendants.

D. The defendants have acted or refused to act on grounds generally applicable to all females who have been employed, are employed, or would be employed by the defendants; final injunctive relief or corresponding declaratory relief would be appropriate with respect to all females.

E. Litigation of these claims as a class action is superior to litigating the claim of each person separately since the central questions of the defendants' patterns, practices, customs and usages of discrimination against females who have been, are or would be employed by the defendants are central questions of law and fact common to all female plaintiffs.



EMMELYN LOGAN-BALDWIN, ESQ.
Attorney for Plaintiff
Office and Post Office Address
19 Arnold Park
Rochester, New York 14607
(716) 442-4150

TO: NIXON, HARGRAVE, DEVANS & DOYLE
JOHN B. McCRORY, ESQ., OF COUNSEL
Attorneys for Defendants
Office and Post Office Address
One Exchange Street
Rochester, New York 14614
(716) 546-8000

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

EULA LEE BLOWERS, individually, and
on behalf of all other persons
similarly situated
50 Joanne Drive
Rochester, New York

Plaintiff,

vs.

LAWYERS COOPERATIVE PUBLISHING
COMPANY, INC.
One Aqueduct Street, Rochester, N.Y.
DONALD BENNETT,
One Aqueduct Street, Rochester, N.Y.
CHARLES DONNER,
One Aqueduct Street, Rochester, N.Y.
ROBERT FEIN,
Rochester, N.Y.

Defendants.

*
*
* AFFIDAVIT IN SUPPORT
*
* OF MOTION TO
* ADD PERSONS AS NAMED
* PLAINTIFFS AND MEMBERS
* OF CLASS

STATE OF NEW YORK)
COUNTY OF MONROE) SS:
CITY OF ROCHESTER)

MARY NAGEOTTE, VINCENZA LINDA GRICE, PAT PRUSAK,
Margaret Moulton
ELIZABETH ARES, / BEVERLY NATROUR, VIRGINIA SWEENEY and JANE
PLITT-SELMAN, being duly sworn, according to law depose and
say:

1. MARY NAGEOTTE individually alleges that she is
a private citizen who resides at 125 Falmouth Street, Rochester,
New York. She is and has been employed by defendants Lawyers
Cooperative Publishing Company since September, 1967, with the
exception of a period of absence between June, 1969, and
September, 1969. She has at various times sought and continues
to seek advancement at Lawyers Cooperative Publishing Company.

2. VINCENZA LINDA GRICE individually alleges that
she is a private citizen who resides at 110 Avis Street,
Rochester, New York. She is and has been employed by Lawyers
Cooperative Publishing Company since February, 1971. She has
at various times sought and continues to seek advancement at

Lawyers Cooperative Publishing Company.

3. PAT PRUSAK individually alleges that she is a private citizen who resides at 1180 Ridge Road East, Rochester, New York. She is and has been employed by respondent Lawyers Cooperative Publishing Company since November, 1970, in the proofroom. She desires advancement at Lawyers Cooperative Publishing Company.

4. ELIZABETH ARES individually alleges that she is a private citizen who resides at 75 Lored Road, Victor, New York. She is and has been employed by the defendant Lawyers Cooperative Publishing Company since September 1970 as a copyholder proofreader. She has at various times sought and continues to seek advancement at Lawyers Cooperative Publishing Company. (She is presently on pregnancy leave from the defendant corporation but has given notice she will return to employment on April 30, 1973.)

5. MARGARET MOULTON individually alleges that she is a private citizen who resides at 691 East Main Street, Rochester, New York. She is and has been employed by defendant Lawyers Cooperative Publishing Company since 1968 as a junior proofreader^(now first Reader). She desires advancement at Lawyers Cooperative Publishing Company.

6. BEVERLY NATROUR^E individually alleges that she is a private citizen and resides at ^{109 Pine Street East} ~~23 Birch Crescent~~, Rochester, New York. She is and has been employed by defendant Lawyers Cooperative Publishing Company since August, 1968 in the proofroom. She has at various times sought and continues to seek advancement at Lawyers Cooperative Publishing Company.

7. VIRGINIA SWEENEY individually alleges that she is a private citizen who resides at 48 Harlem Street, Apt. 3, Rochester, New York. She is and has been employed by defendant Lawyers Cooperative Publishing Company since April, 1966. She presently holds a position in the defendant's advance reading

department. She has, at various times, sought and continues to seek advancement at Lawyers Cooperative Publishing Company.

8. JANE PLITT-SELMAN individually alleges that she is a private citizen residing at 100 Mulberry Street, Rochester, New York. She is the current president of the Genesee Valley Chapter of the National Organization for Women. The Genesee Valley Chapter of the National Organization for Women is an affiliate of the National Organization for Women. The National Organization for Women is a non-profit organization of persons in the United States united in an effort to bring the benefits and guarantees of the Constitution and the laws of the United States to female citizens of the United States. In October of 1972, the foregoing individual deponents and JANE PLITT-SELMAN, as president of the Genesee Valley Chapter of N.O.W., joined in with Pascha Baker and Ellen Michelson, individual complainants who are presently absent temporarily from the City of Rochester and/or the United States, in filing a complaint of sex discrimination against the defendant Lawyers Cooperative Publishing Company with the Equal Employment Opportunity Commission. Our complaint alleges that the defendant Lawyers Cooperative Publishing Company has discriminated against us because of sex, race and national origin with respect to compensation, terms, conditions and privileges of employment and that the defendants have limited and segregated and classified us so as to deprive us of employment opportunities and adversely affect our status as employees because of sex, race and national origin.

9. Our complaint includes allegations, for example, without intending to limit, that (1) Lawyers Cooperative Publishing Company maintains a policy of discrimination against its women employees, including us, by excluding women from certain job classifications; (2) Lawyers Cooperative Publishing

Company maintains a policy, practice, custom and usage of discrimination against its women employees of placing its women employees, including us, in low, menial classifications while requiring us to perform work of high, technical or professional caliber in classification and paying us at a low, menial level; (3) the defendant Lawyers Cooperative Publishing Company discriminates against female employees, including us, by a conscious practice of filling only certain jobs with women employees which it carefully recruits with a design to hire only those women who will work for sub-standard wages and be docile; (4) defendant Lawyers Cooperative Publishing Company recruits the white male for the best paying, career oriented jobs while seeking and hiring women, including us, for low paying, menial jobs with little or no career, supervisory or managerial potential; (5) defendant Lawyers Cooperative Publishing Company excludes women, including us, from training programs which men with the equivalent or less education and skills are enrolled; (6) defendant Lawyers Cooperative Publishing Company discriminates against us and other women and employees by classifying/assigning jobs for white male employees as jobs which are career, supervisory and management oriented while classifying jobs for women which are low paying and menial and without career, supervisory or management potential; (7) defendant Lawyers Cooperative Publishing Company has discriminated against us and other women employees by promoting and transferring employees so that the white male is advanced to high paying, career oriented supervisory and management jobs while the woman is retained in low paying, menial jobs; (8) defendant Lawyers Cooperative Publishing Company has discriminated against us and other women employees by paying us and other women of whatever job description, classification or job level, less than white male counterparts

when the education, skill and competence of the woman employee equals or exceeds the education, skill and competence of the white male engaged in the same or similar work; (9) defendant Lawyers Cooperative Publishing Company has discriminated against us and other women employees by fostering an atmosphere in the employment situation which is calculated to harass, embarrass, humiliate and thereby cause the woman employee to "keep her place"; (10) the defendant Lawyers Cooperative Publishing Company has discriminated against us and its women employees by denying sick leave and other benefits to female employees who become pregnant during the course of their employment.

10. We believe and are informed that the plaintiff's complaint in this action raises many of the same or similar claims that we outline above; we are informed and believe that there are common questions of law and fact in the plaintiff's case and in our case; we are informed and believe that our claims could be effectively and efficiently presented with the addition of us as named party plaintiffs and members of the class in the present lawsuit without thereby necessitating our filing and prosecuting separate, individual actions.

15177 Mary Nagette
MARY NAGEOTTE

Sworn to before me this
day of April, 1973.

VINCENZA LINDA GRICE

Sworn to before me this
day of April, 1973.

PAT PRUSAK

Sworn to before me this
day of April, 1973.

ELIZABETH ARES

Sworn to before me this
day of April, 1973.

BEVERLY NATROUR

Sworn to before me this
day of April, 1973.

VIRGINIA SWEENEY

Sworn to before me this
day of April, 1973.

JANE PLITT-SELMAN

Sworn to before me this
day of April, 1973.

MARGARET MOULTON

Sworn to before me this
day of April, 1973.

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

EULA LEE BLOWERS, individually, and
on behalf of all other persons
similarly situated
50 Joanne Drive
Rochester, New York

Plaintiff,

vs.

LAWYERS COOPERATIVE PUBLISHING
COMPANY, INC.
One Aqueduct Street, Rochester, N. Y.
DONALD BENNETT,
One Aqueduct Street, Rochester, N.Y.
CHARLES DONNER,
One Aqueduct Street, Rochester, N.Y.
ROBERT FEIN,

Rochester, N.Y.

Defendants.

AFFIDAVIT IN SUPPORT
OF MOTION TO
ADD PERSONS AS
ADDITIONAL PARTIES
PLAINTIFF AND
MEMBERS OF CLASS

STATE OF NEW YORK)
COUNTY OF MONROE) SS:
CITY OF ROCHESTER)

PATRICIA A. LOUGHNEY, being duly sworn, according to
law, deposes and says:

1. She is a private citizen who resides at 61 Dewey
Avenue, Fairport, New York. She is and has been employed by
the defendant LAWYERS COOPERATIVE PUBLISHING COMPANY full time
since September, 1969. She has at various times sought and
continues to seek advancement at Lawyers Cooperative Publishing
Company.

2. Deponent and Jane Plitt-Selman, on behalf of the
Genesee Valley Chapter of the National Organization for Women,
filed a complaint with the Equal Employment Opportunity Com-
mission on or about June 10, 1972, the substance of that complaint
alleging that the defendant Lawyers Cooperative Publishing Company
has discriminated against them because of sex, race and national
origin with respect to compensation, terms, conditions and
privileges of employment and that the defendants have limited

and segregated and classified them so as to deprive them of employment opportunities and adversely affect their status as employees because of sex, race and national origin.

3. Deponent's work in the Indexing Department of Lawyers Cooperative Publishing Company is classified as a non-exempt clerical position whereas the males employed by Lawyers Cooperative Publishing Company, employing the same skills and performing the same work, are classified as professional, exempt employees. Male employees are paid approximately \$3,000.00 a year more for the same work requiring the same skills as deponent. Deponent claims that Lawyers Cooperative Publishing Company has retaliated against her for having complained to the company of their discriminatory practices and for her having filed complaints of the defendant's sex discrimination with the New York State Division of Human Rights and the Equal Employment Opportunity Commission.

4. Deponent is informed and believes that the plaintiff's complaint in this action and the claims of MARY NAGEOTTE, VINCENZA LINDA GRICE, PAT PRUSAK, ELIZABETH ARES, PASHA BAKER, ELLEN MICHELSON, MARGARET MOULTON, BEVERLY NATROUR, VIRGINIA SWEENEY and the Genesee Valley Chapter of the National Organization for Women raise many of the same or similar claims that she has briefly outlined herein. Deponent is informed and believes that there are common questions of law and fact in the plaintiff's and the other employees' cases and in her case; she is informed and believes that their claims could be effectively and efficiently presented with the addition of them as named party plaintiffs and members of the class in the present lawsuit without thereby necessitating their filing and prosecuting separate, individual actions.

5. The Equal Employment Opportunity Commission has issued to her a Right to Sue Notice, a copy of which is attached hereto and made a part hereof as Exhibit A.

PATRICIA A. LOUGHNEY

Sworn to before me this
day of April, 1973.



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
1 WEST GENESEE STREET
BUFFALO, NEW YORK 14202
(716) 842 - 5170

Re: CERTIFIED MAIL: 191451

NOTICE OF RIGHT TO SUE
WITHIN 90 DAYS

In Case No. TBU3 0104 before the Equal Employment Opportunity Commission, United States Government.

Patricia A. Loughney

v.

Lawyers Cooperative Publishing Company

YOU ARE HEREBY NOTIFIED THAT:

WHEREAS, this Commission has not filed a civil action with respect to your charge as provided by section 706(f)(1) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e et seq; and,

WHEREAS, this Commission has not entered into a conciliation agreement to which you are a party;

THEREFORE, Pursuant to §706(F) of Title VII, you may, within 90 days of your receipt of this Notice, institute a civil action in the United States District Court having jurisdiction over your case.

Should you decide to commence judicial action, you must do so within 90 days of the receipt of this letter or you will lose your right to sue under Title VII.

If you are not represented by counsel and you are unable to obtain counsel, the Court may, in its discretion, appoint an attorney to represent you.

Should you have any question concerning your legal rights or have any difficulty filing your case in court, please contact Mr. Kenneth McCulloch of our Regional Office at (212) 264-3644.

Lloyd G. Bell
LLOYD G. BELL, District Director

2/12/73
DATE

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

EULA LEE BLOWERS, individually and
on behalf of all other persons
similarly situated
50 Joanne Drive
Rochester, New York

Plaintiff,
vs.

LAWYERS COOPERATIVE PUBLISHING
COMPANY, INC.
One Aqueduct Street, Rochester, N.Y.
DONALD BENNETT,
One Aqueduct Street, Rochester, N.Y.
CHARLES DONNER,
One Aqueduct Street, Rochester, N.Y.
ROBERT FEIN,
Rochester, N.Y.
Defendants.

*
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AFFIDAVIT IN SUPPORT
*
* OF MOTION TO
*
* ADD PERSONS AS NAMED
*
* PLAINTIFFS AND MEMBERS
*
* OF CLASS
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STATE OF NEW YORK)
COUNTY OF MONROE) SS:
CITY OF ROCHESTER)

EMMELYN LOGAN-BALDWIN, being duly sworn, according
to law, deposes and says:

1. That I am an attorney at law duly licensed to
practice my profession in the State of New York; I am
admitted to practice before the Bar of the United States
Court for the Western District of New York. My offices are
located at 19th Arnold Park, Rochester, New York. I am the
attorney for the plaintiff in this law suit. This affidavit
is submitted by me in support of plaintiff's Motion To
Add Persons As Additional Parties Plaintiff And Members
of Class.

2. I am the attorney for the Persons and the
Genesee Valley Chapter of the National Organization For
Women who seek in this Motion to be added as additional
Parties Plaintiff and named members of the class in this
law suit. My clients, PASHA BAKER and ELLEN MICHELSON are
temporarily absent from Rochester on vacations and are
unable to submit individual affidavits to the court

at this time in support of their motion. I ask leave of the court to file their affidavits separately on their respective returns to Rochester.

3. I also ask leave of court to supplement this motion with the Equal Employment Opportunity Commission Notice of Right To Sue which I believe will be received shortly.

1/4 Emmelyn Logan Baldwin
EMMELYN LOGAN-BALDWIN, ESQ.

Sworn to before me this
6th day of April, 1973.

1/4 Nellie H. Korkme
Notary Public
Commission Expires
3/30/74

[Filed 4/23/73]

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

EULA LEE BLOWERS, individually, and on
behalf of all other persons similarly
situated,

Plaintiff,

--VS--

LAWYERS COOPERATIVE PUBLISHING COMPANY,
DONALD BENNETT, CHARLES DONNER and
ROBERT FEIN,

Defendants.

ANSWERING

AFFIDAVIT

CIV-1973-47

STATE OF NEW YORK:
COUNTY OF MONROE : SS:
CITY OF ROCHESTER:

JOHN B. McCORRY, being duly sworn, deposes and
says:

1. I am a partner of Nixon, Hargrave, Devans &
Doyle, attorneys for defendants herein and am fully familiar
with this action.

2. On April 2, 1973, defendants set three motions
down for argument before this Court. One motion was defen-
dants' motion to dismiss the class action herein. The motion
was supported by my affidavit and the affidavit of the Director
of Personnel of defendant Lawyers Cooperative Publishing
Company.

3. Defendants' motion and papers of April 2, 1973
set forth compelling reasons why plaintiff Eula Lee Blowers
could not be a proper class representative and why the class
action as alleged had to fail.

4. Apparently realizing that defendants' motion was
entirely correct, plaintiff's attorney served this motion on
April 6, 1973. This motion seeks to avoid the failure of her

class action by finding new plaintiffs to lead the class.

5. It seems apparent from her moving papers that counsel for the plaintiff represented those she now seeks to have joined in this action long before April 6, 1973, yet she sought joinder of these individuals (and the organization of which she is general counsel) only after she realized the impact of defendants' motion of April 2, 1973.

6. Plaintiff and her counsel should not be permitted to circumvent the proper determination of the class action question as required by FRCP 23(1) by adding plaintiffs only after defendants demonstrate that the class action was improper.

7. Plaintiff's motion must be denied. If the individuals who now seek to join this action have valid claims and form a proper class, they should bring their own action, rather than attempting to substitute for Eula Lee Blowers in the class action she brought.

8. In any event, the joinder suggested would be proper only under FRCP 20. As a result, and in comparison to a class action, individual jurisdictional basis must be shown for each plaintiff which is not shown by plaintiff. Further, the National Organization for Women is not a proper party in the present suit. For these additional reasons, plaintiff's motion is improper and must be denied.

Sworn to before me

April 19, 1973.

James H. Morgenstern

JAMES H. MORGENSTERN
Notary Public in the State of New York
MONROE COUNTY.
Commission Expires March 20, 1975

John B. McCrory
JOHN B. MCCRORY

IN THE
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT
OF NEW YORK
[Filed 4/27/73]

EULA LEE FLOWERS,
individually and on behalf
of all others similarly
situated,

Plaintiff,

v.

LAWYERS COOPERATIVE PUBLISH-
ING COMPANY, INC., DONALD
BENNETT, CHARLES DOMNER, and
ROBERT FEIN

Defendants.

CIVIL ACTION NO. 1973-47

MOTION OF THE UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION FOR LEAVE TO FILE BRIEF
AMICUS CURIAE AND FOR AN EXTENSION OF TIME IN
WHICH TO FILE BRIEF.

The United States Equal Employment Opportunity Commission moves for leave to file a brief amicus curiae in the above case on the issue of whether the plaintiff's case properly maintains this suit as a class action. In support of its motion, the Commission states that the enforcement of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000(e) et seq., as amended by the Equal Employment Opportunity Act of 1972, (Public Law 92-261, March 24, 1972) depends heavily on the class action. As the agency charged with the administration and enforcement of Title VII, the Commission has a special interest in issues pertaining to class actions. See Johnson v. Georgia Highway Express 417 F. 2d 1122 (5th Cir., 1969); See also, Vigil v. American Telephone and Telegraph, 2 FEP 99, 100 (D. Col., 1969).

The Commission also moves the Court to extend the date by which its brief must be filed to May 14, 1973. Counsel for both parties have stated that they are not opposed to such an extension.

Respectvully submitted,

WILLIAM A CAREY
General Counsel

JULIA P. COOPER
Associate General Counsel

JOSEPH T. EDDINS
Assistant General Counsel

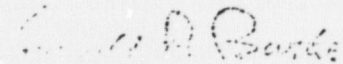
Martin Slate
MARTIN SLATE
Attorney

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
1800 G Street, N.W.
Washington, D. C.

April 27, 1973

Rule 23, Federal Rules of Civil Procedure, requires this court to determine, as early in the case as practicable, whether this action brought by Blowers as a class action may be maintained as a class action. Such determination will depend on "whether plaintiff has the nexus required by Rule 23 to permit him to maintain the class action ----." Huff vs. N.D. Cass Co. of Alabama (decided by en banc court - 5 cir. Sep. 4, 1973).

IT IS HEREBY ORDERED that on November 19, 1973, at 10:00 A.M. at the United States Court House, Rochester, New York, a preliminary evidentiary hearing will be held on the questions whether the named plaintiff, Blowers, is a member of the class she seeks to represent in this class action, and on such provisions of Rule 23 as may be relevant; and further, if the named plaintiff, Blowers, is a member of a class of persons who have suffered discrimination, how the class shall be delineated. This hearing will not be directed to the question whether the plaintiff can succeed on her own individual claim.


HAROLD P. BURKE
United States District Judge

November 16, 1973.

1/14/74

[Filed 1/14/74]

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

EULA LEE BLOWERS, individually and on
behalf of all other persons similarly
situated,

Plaintiff,

-vs-

LAWYERS COOPERATIVE PUBLISHING COMPANY,
INC., DONALD BENNETT, CHARLES DONNOR
and ROBERT FRIN,

Defendants.

:
:
: SECOND
: INTERROGATORIES
: PROFOUNDED BY
: DEFENDANT

: CIVIL ACTION NO.
: CIV-1973-47

TO: EMMELYN LOGAN-BALDWIN
Attorney for Plaintiff
19 Arnold Park
Rochester, New York 14607

Defendants request that plaintiff answer, under
oath, in accordance with FRCP 33, the following Interrogatories.

As set forth in defendants' First Interrogatories,
these Interrogatories shall be deemed continuing and shall be
supplemented when necessary to reflect events occurring and
information becoming available subsequent to the filing of
initial answers. Plaintiff is requested to answer each portion
of each inquiry to the extent there is no specific objection to
each such portion.

DEFINITIONS:

The definitions set forth in defendants' First
Interrogatories shall apply to defendants' Second Interrogator-
ies.

INSTRUCTIONS:

The instructions set forth in defendants' First
Interrogatories shall continue to be followed in answers to
defendants' Second Interrogatories.

INTERROGATORIES:

1. With respect to paragraph 15 of the complaint:

(a) Has any female employee ever been placed in a job classification in the manner alleged in said paragraph?

(b) If the answer to 1(a) is "Yes," identify all such employees.

(c) For each employee identified in answer to 1(b), identify (1) the job classification into which such employee was placed, and (2) the date of such placement.

2. With respect to paragraph 20 of the complaint:

(a) Has any female employee ever been denied promotion or transfer as alleged in said paragraph?

(b) If the answer to 2(a) is "Yes," identify all such employees.

(c) For each employee identified in answer to 2(b), identify (1) the job classification into which promotion or transfer was denied as alleged and (2) the date of such denial.

3. With respect to paragraph 29 of the complaint:

- (a) Has any female employee, to the best of your knowledge, ever been terminated from employment because they complained as alleged in said paragraph?
- (b) If the answer to 3(a) is "Yes," identify all such employees.
- (c) For each employee identified in answer to 3(b), set forth the facts of such termination.
- (d) Has any female employee to the best of your knowledge suffered any other type of retaliation as alleged in said paragraph?
- (e) If the answer to 3(d) is "Yes," identify all such employees.
- (f) For each employee identified in answer to 3(e), set forth the facts of such retaliation.

Dated: January 11, 1974

NIXON, HARGRAVE, DEVANS & DOYLE

By John B. McGarry
John B. McGarry
Attorneys for Defendants
Lincoln First Tower
Rochester, New York 14603
716-546-8000

[Filed 2/12/74]

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

EULA LEE BLOWERS, individually and on
behalf of all other persons similarly
situated
50 Joanne Drive
Rochester, New York

Plaintiff,

v.

LAWYERS COOPERATIVE PUBLISHING CO. INC.,
One Aqueduct Street, Rochester, New York
DONALD BENNETT,
One Aqueduct Street, Rochester, New York
CHARLES DONNER,
One Aqueduct Street, Rochester, New York
ROBERT FEIN,

Rochester, New York

Defendants.

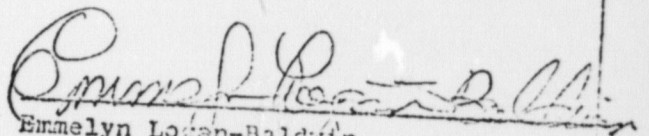
NOTICE OF MOTION

Civ. - 1973-47

PLEASE TAKE NOTICE THAT upon plaintiff's summons and complaint, the defendants' answer, the defendants' Notice of Deposition, the plaintiff's Cross Notice of Deposition, the defendants' First Interrogatories, plaintiff's Notice of Motion, dated March 22, 1973, plaintiff's Opposing Affidavits, dated April 6, 1973, defendants' Second Interrogatories, and the Affidavit of plaintiff Eula Lee Blowers, duly sworn, February 11, 1974, the plaintiff will move at a motion term of this Court to be held at the Federal Building, State Street, Rochester, New York, at 10:00 A.M. or as soon thereafter as counsel can be heard on the 11th day of March, 1974 for an order compelling the defendants to appear for depositions and produce documents pursuant to notices duly served, for a protective order of the Court directing the deposition of plaintiff Eula Lee Blowers

shall be conducted with no one present except the plaintiff, the attorneys for the parties, and the officer taking the deposition, and for an order granting the plaintiff an extension of time in which to answer the First Interrogatories and Second Interrogatories of the defendants until after the defendants have appeared for depositions duly noticed and produced documents duly requested.

PLEASE TAKE FURTHER NOTICE that any responding affidavit and/or papers shall be served on attorney for plaintiff on or before March 7, 1974.



Emmelyn Logan-Baldwin
Attorney For Plaintiff
19 Arnold Park
Rochester, New York 14607
716 442-4150

February 11, 1974.

TO: NIXON, HARGRAVE, DEVANS & DOYLE
John B. McCrory, Esquire, of counsel
Lincoln First Tower
Rochester, New York 14604
Attorneys for defendants.

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

EULA LEE BLOWERS, individually and on
behalf of all other persons similarly
situated
50 Joanne Drive
Rochester, New York

Plaintiff,

v.

LAWYERS COOPERATIVE PUBLISHING CO. INC.,
One Aqueduct Street, Rochester, New York
DONALD BENNETT,
One Aqueduct Street, Rochester, New York
CHARLES DONNER,
One Aqueduct Street, Rochester, New York
ROBERT FEIN,
Rochester, New York
Defendants.

AFFIDAVIT
IN SUPPORT OF
MOTION

Civ. Action
No. 1973-47

STATE OF NEW YORK)
COUNTY OF MONROE) SS:
CITY OF ROCHESTER)

Eula Lee Blowers, being duly sworn, according to
law, deposes and says:

1. I am the plaintiff in the above noted lawsuit.
This Affidavit is submitted by me in support of my motion herein
for an order compelling the defendants to appear for depositions
and produce documents duly noticed, for protective order of the
Court in the conduct of my deposition and for an order extending
the time in which I may answer defendants' First Interrogatories
and Second Interrogatories until after the defendants have appeared
for depositions duly noticed and produced documents duly reque-
sted.

2. I bring this lawsuit to secure the protection
of and to redress deprivation of rights to fair and equal employ-

ment opportunities secured by Federal law. I bring this action on my own behalf and on behalf of all other persons similarly situated. I claim that the defendants maintain a policy, practice, custom and usage of (a) discriminating against me and other persons similarly situated because of sex, race and national origin with respect to compensation, terms, conditions and privileges of employment and (b) limiting, segregating and classifying employees of defendant Lawyers Cooperative Publishing Company in ways which deprive and have deprived me and other persons similarly situated of equal employment opportunities and otherwise adversely affect our status as employees. I incorporate herein by reference the detailed description of my claims, the definition of the class and the posture of this litigation contained in my Notice Of Motion, dated March 22, 1973 and Opposing Affidavits, dated April 6, 1973.

3. I am informed and believe from discussions with my attorney, that the summons and complaint in this action were served on all defendants on February 1, 1973. On or about February 20, 1973, defendants served their answer, consisting of a general denial of the allegations in my complaint. With the service of defendants' answer, there was served a Notice Of Deposition requesting the taking of my deposition on March 14, 1973.

4. Thereafter, I am informed and believe from talking with my attorney, on February 23, 1973, defendants served First Interrogatories. That same day, my attorney served a Cross Notice Of Deposition to take the depositions of defendants Charles Donner, Donald Bennett, Robert Fein and witnesses Pat Lipa and Frances LaDelfa. The Cross Notice Of Deposition required the defendants, agents and/or employees to produce all documentary evidence in their possession relating directly or

indirectly to the issues raised in my complaint; my attorney specified in writing to attorneys for the defendants specific documents in the defendants' possession, relevant to the lawsuit, and which defendants were requested to produce at the deposition. The depositions of the defendants were to begin March 14, 1973 at 10:30 A.M. and continue in consecutive days until conclusion of the initial examinations of those persons noticed.

5. On March 14, 1973, I along with my attorney duly appeared at the office of defendants' attorneys and began my deposition. The deposition proceeded under the most trying and exasperating of circumstances which I believe were calculated to annoy and harass me. Some of those circumstances include the defendants' attorney insisting on the presence of non-party witnesses in the examination room, the presence of third party, outsiders identified only as "persons who were trying to decide whether they wanted to become lawyers," the constant badgering of me as a witness, and the engaging, by one of the attorneys for the defendants in the making of distracting gestures, particularly during the afternoon of my testimony. A more particular description of the conduct of the deposition is contained in my Notice Of Motion and supporting papers, dated March 22, 1973, and Opposing Affidavits, dated April 6, 1973, which I incorporate herein by reference.

6. After I completed a full day of depositions, attorneys for defendants refused to proceed, as duly noticed, with the depositions of the defendants and the production of documents but rather advised my attorney that no defendant or witness for the defendants would be produced until they had completed their discovery of my case nor would any documents be produced until they had completed discovery of my case and then that documents would only be produced at the convenience of the defendants, at my expense and would be documents which

the defendants considered relevant. (See Notice Of Motion and supporting papers, March 22, 1973; Opposing Affidavits, April 6, 1973.)

7. The refusal of the defendants to appear for depositions and produce documents duly noticed rendered it impossible for me to respond to the First Interrogatories of the defendants which by and large called for particularization of the allegations in my class action complaint of the patterns, practices, customs and usages of employment discrimination at defendant Lawyers Cooperative Publishing Company. Evidence of the patterns, practices, customs and usages of employment discrimination is in the control of defendant Lawyers Cooperative Publishing Company in the books and records of the Company. I am informed and believe from talking with my attorney that I am entitled to the production of those documents since those documents are not only relevant to my claims but those documents, once introduced into evidence, place the burden of justifying the unequal treatment of defendants' employees on defendant Lawyers Cooperative Publishing Company.

8. In view of defendants' refusal to appear for depositions and produce documents and in view of the exasperating atmosphere of my deposition, I moved by Notice Of Motion dated March 22, 1973 for an order compelling the defendants to appear for depositions and produce documents, a protective order in the conduct of my examination, and an extension in which to answer defendants' First Interrogatories. To date, the Court has rendered no decision on my motions. I therefore, renew, herewith those motions,

9. By mail, postmarked January 11, 1974, defendants served on my attorney Second Interrogatories. These Interrogatories like defendants' First Interrogatories necessitate the availability to me of the documents which I had duly

requested the defendants to produce but which the defendants, notwithstanding their obligations to produce those documents, refused to produce. In fact, defendants' Second Interrogatories, consisting of questions 1-3 with various sub parts are a paraphrasing and/or elaboration of defendants' First Interrogatories, questions 2, 7, and 15.

10. I am informed and believe from talking with my attorney that a defendant may not properly refuse to appear for depositions and withhold the production of documents conditioned on that party's completion of discovery of a plaintiff's case and/or conditioned on the defendant's convenience, judgment of relevance, etc.

11. I am informed and believe from talking with my attorney that the Federal Rules Of Civil Procedure specifically provide in Rule 26 (d) that discovery by both plaintiff and defendants shall be simultaneous and that, therefore, the defendants cannot refuse to produce documents and appear for depositions as they have done in this case. The refusal of the defendants to honor their obligations under the Federal Rules of Civil Procedure to appear for depositions and produce documents has meant that the defendants have succeeded for a year in delaying the preparation of my case for hearing before this Court on the merits.

For the foregoing reasons, I respectfully request that the Court grant in every respect my motion of March 22, 1973, for an order compelling the defendants to appear for depositions and produce documents, a protective order in the conduct of my deposition, an order extending time in which I may respond to defendants' First Interrogatories, and an order extending the time in which I may respond to defendants' Second Interrogatories.

Eula Lee Blowers
Eula Lee Blowers

Sworn to before me this
11th day of February, 1974.

Emmelyn Logan Baldwin
Notary Public

EMMELYN LOGAN BALDWIN
NOTARY PUBLIC, State of N. J., Monroe Co.
Commission Expires March 22, 1975

[Filed 3/11/74]

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

EULA LEE BLOWERS, individually and on behalf of all other persons similarly situated,

Plaintiff,

-VS-

LAWYERS COOPERATIVE PUBLISHING
COMPANY, INC., DONALD BENNETT,
CHARLES DOMMER and ROBERT FEIN,

Defendants.

ANSWERING

AFFIDAVIT

CIVIL ACTION NO.

CIV- 1973-47

STATE OF NEW YORK:
COUNTY OF MONROE : SS:
CITY OF ROCHESTER:

JOHN B. McCrory, being duly sworn, deposes and

1. I am a partner of Nixon, Hargrave, Devans & Doyle, attorneys for defendants, and I am familiar with the facts of this action.

2. The motion which plaintiff has presently brought before this Court, dated February 11, 1974, returnable March 11, 1974, is nothing more than a reaffirmation of plaintiff's prior motions, dated March 22, 1973, except that plaintiff now refuses to answer defendants' second Interrogatories. After a year, defendants' first Interrogatories remain unanswered

3. Plaintiff's motion sets forth no new facts which distinguish it in any way from the motions of March 22, 1973.

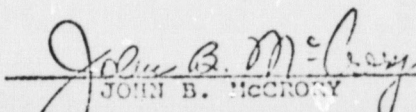
4. Defendants request that the Court consider all motions now pending before it in this action, but urge that the Court's most immediate attention be directed to the evidentiary hearing required and pending, to determine whether or not plaintiff's action should proceed as a class action. The class

action hearing was ordered by this Court for November 19, 1973, but was adjourned because of a conflict with a criminal trial then before this Court. Defendants urge that this hearing be held at the Court's early convenience. Effective pre-trial proceedings cannot go forward until this determination is made, as required by FRCP 23.

5. Defendants consent to the addition of Patricia A. Loughney, Mary Nageotte, Vincenza Linda Grice, Pasha Baker, Pat Prusak, Ellen Michelson, Elizabeth Ares, Margaret Moulton, Beverly Natrour, Virginia Sweeney and the Genesee Valley Chapter of National Organization for Women as parties plaintiff in this action, which was proposed by plaintiff by her motion of April 23, 1973. Such relief, of course, should mandate dismissal of the Loughney action (CIV-1973-238) and Nageotte action (CIV-1973-346), which would now be consolidated into this action. Defendants emphasize, however, that their consent to the addition of these individuals as parties plaintiff in this action in no way constitutes defendants' admission of any of plaintiff's assertions in the motion papers of April 23, 1973.

6. Defendants will make available all documents properly requested and not objected to by defendants available for inspection upon proper notice at the offices of Nixon, Hargrave, Devans & Doyle, Lincoln First Tower, Rochester, New York, rather than at the premises of defendant Lawyers Cooperative Publishing Company.

7. Defendants urge that the Court consider all motions now before it at its early convenience, and defendants direct the Court's attention to the briefs which it has previously filed.


JOHN B. MCCRORY

Sworn to before me

March 8, 1974.

JAMES H. MORCHESTER
Notary Public in the State of New York

[Filed 4/5/74]

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

EULA LEE BLOWERS, individually, and on behalf
of all other persons similarly situated,
50 Joanne Drive
Rochester, New York

Plaintiff,

- v -

LAWYERS COOPERATIVE PUBLISHING COMPANY, INC.
One Aqueduct Street, Rochester, New York

DONALD BENNETT,
One Aqueduct Street, Rochester, New York

CHARLES DONNER
One Aqueduct Street, Rochester, New York

ROBERT FEIN,
, Rochester, New York

Defendants.

* Civil Action

* No. 1973-47

* NOTICE OF MOTION

* F.R.C.P. 33, 34

PLEASE TAKE NOTICE that, upon First Interrogatories Propounded By Plaintiff, Notice To Produce and upon all the papers and pleadings heretofore filed herein, the Plaintiff will bring a motion, pursuant to Federal Rules Of Civil Procedure 33 and 34 to shorten the time in which the Defendant LAWYERS COOPERATIVE PUBLISHING COMPANY may answer First Interrogatories Propounded By Plaintiffs and Notice To Produce, and for such other and further relief as to the Court may seem just and proper, for hearing before this Court at a motion term thereof on April 8, 1974 at the Federal Building, State Street, Rochester, New York at 10:00 A.M. or as soon thereafter as counsel can be heard.

of Emmelyn Logan-Baldwin

EMMELYN LOGAN-BALDWIN, ESQUIRE
Attorney For Plaintiff
Office and Post Office Address
19 Arnold Park
Rochester, New York 14607
716 442-4150

Dated: April 3, 1974.

TO: NIXON, HARGRAVE, DEVANS & DOYLE
John B. McCrory, Esquire of Counsel
Lincoln First Tower
Rochester, New York 14604
716 546-800

Attorney For Defendants

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

EULA LEE BLOWERS, individually, and on behalf *
of all other persons similarly situated, *
50 Joanne Drive *
Rochester, New York *

Plaintiff, *

- v - *

LAWYERS COOPERATIVE PUBLISHING COMPANY, INC. *
One Aqueduct Street, Rochester, New York *

DONALD BENNETT, *
One Aqueduct Street, Rochester, New York *

CHARLES DONNER, *
One Aqueduct Street, Rochester, New York *

ROBERT FEIN, *
, Rochester, New York *

Defendants. *

Civil Action
No. 1973-47

MOTION TO SHORTEN
TIME FOR RESPONSES
TO FIRST INTERROG-
ATORIES PROPOUNDED
BY PLAINTIFF AND
NOTICE TO PRODUCE
F.R.C.P. 33, 34

The Plaintiff moves the Court as follows:

1. Pursuant to Rule 33 of the Federal Rules Of Civil Procedure, to shorten the time in which the Defendant LAWYERS COOPERATIVE PUBLISHING COMPANY may answer the First Interrogatories Propounded By Plaintiff, dated April 3, 1974 and duly served on all parties and forwarded for filing on April 3, 1974.
2. Pursuant to Rule 34 of the Federal Rules Of Civil Procedure, to shorten the time in which the Defendant LAWYERS COOPERATIVE PUBLISHING COMPANY may respond to Plaintiff's Notice To Produce dated April 2, 1974 and duly served on all parties and forwarded for filing on April 3, 1974.

3. The grounds for this motion are that the Federal Rules Of Civil Procedure, 33 and 34, provide that with respect to the answering of Interrogatories and with respect to the production of documents, a Court may allow a shorter time than thirty days for a Defendant's answering of the respective pleadings.

4. The Court has directed that there shall be a preliminary evidentiary hearing on the questions of whether " . . . the named plaintiff, Blowers, is a member of the class she seeks to represent in this class action, and on such provisions of Rule 23 as may be relevant; and further, if the named plaintiff, Blowers, is a member of the class of persons who have suffered discrimination, how the class shall be delineated."

5. Plaintiff desires an early resolution of her claims but, so far, has been stymied in the development of her litigation by the refusal of the Defendants, defying the provisions of the Federal Rules Of Civil Procedure, to appear for depositions and produce relevant documents. See Plaintiff's Notice Of Motion of March 22, 1973, responding papers of April 6, 1973, Notice Of Motion dated February 11, 1974 and Notice Of Motion in companion case, Loughney and Genesee Valley Chapter of the National Organization For Women v. Lawyers Cooperative Publishing Company, dated February 8, 1974.

6. The information which Plaintiff requests in the First Interrogatories and the Notice To Produce is information directly relevant to the determination that this lawsuit is properly maintained as a class action. For example, the information

requested in the Interrogatories and Notice To Produce is directly related to determining that . . . (1) the class is so numerous that joinder of all members is impractical (2) that there are questions of law or fact, ^{common} to the class (3) that the claims of the representative parties are typical of the claims of the class (4) that the representative parties will fairly and adequately protect the interests of the class and that prosecution of separate actions by individuals members of the class will create a risk of inconsistent or varying adjudications and that Defendant LAWYERS COOPERATIVE PUBLISHING COMPANY has acted or refused ^{to} act on grounds generally applicable to the class.

7. The information which Plaintiff requests in the First Interrogatories and Notice To Produce must be produced by the Defendant LAWYERS COOPERATIVE PUBLISHING COMPANY in advance of the preliminary evidentiary hearing herein with respect to the maintenance of this lawsuit as a class action since the information requested in those pleadings directly relates to the maintenance of this lawsuit as a class action. Plaintiff, as a matter of law, is entitled to complete discovery on the matters relating to the maintenance of this lawsuit as a class action so that Plaintiff can have a full and fair hearing on the maintenance of this lawsuit as a class action and bring to the Court's attention the evidence in support of the maintenance of this lawsuit as a class action.

8. While Defendant LAWYERS COOPERATIVE PUBLISHING COMPANY would ordinarily have thirty days to respond to the Interrogatories

and the Notice To Produce, Plaintiff requests that that time be shortened to the filing of answers and the production of documents on or before April 29, 1974 thereby allowing the Defendant LAWYERS COOPERATIVE PUBLISHING COMPANY twenty six days in which to respond. Plaintiff submits that the shortening of time for Defendant LAWYERS COOPERATIVE PUBLISHING COMPANY responses is reasonable and will create no hardship for Defendant LAWYERS COOPERATIVE PUBLISHING COMPANY. Since Plaintiff Blowers filing of her initial complaint of discrimination against LAWYERS COOPERATIVE PUBLISHING COMPANY with the New York State Division Of Human Rights in December, 1971, Defendant LAWYERS COOPERATIVE PUBLISHING COMPANY has been on notice of the claims of company-wide discrimination practiced by LAWYERS COOPERATIVE PUBLISHING COMPANY and on notice of the documentation of this company-wide discrimination which defendant LAWYERS COOPERATIVE PUBLISHING COMPANY has in its files. Since February 1, 1973, with the filing of the complaint in this lawsuit, the Defendant LAWYERS COOPERATIVE PUBLISHING COMPANY has had notice of the class, company-wide discrimination claims of the Plaintiff and, the claims of other present and past employees of LAWYERS COOPERATIVE PUBLISHING COMPANY, class members, who filed motions to be added as named plaintiffs and members of the class in this lawsuit and thereafter perfected their claims of company-wide discrimination in separately filed lawsuits. Defendant LAWYERS COOPERATIVE PUBLISHING COMPANY has had notice of the relevance and necessity to produce the information and documents.

in the Interrogatories and Notice To Produce since March 1973 when Plaintiffs served notice of depositions on the Defendants together with demand for production of documents.

9. While there is not now set a date and time for the preliminary evidentiary hearing on the question of maintaining this lawsuit as a class action, Plaintiff has indicated her availability to proceed as soon as practicable with the Court's schedule. Plaintiff would need to have the information in the Interrogatories and the Notice To Produce at least one week prior to the scheduled hearing.

For these reasons, Plaintiff respectfully requests that the motion to shorten the time in which Defendant LAWYERS COOPERATIVE PUBLISHING COMPANY may answer First Interrogatories Propounded By Plaintiff and Notice To Produce be granted.

Emmelyn Logan-Baldwin
EMMELYN LOGAN-BALDWIN, ESQUIRE
Attorney For Plaintiff
19 Arnold Park
Rochester, New York 14607
716 442-4150

Dated: April 3, 1974.

TO: NIXON, HARGRAVE, DEVANS & DOYLE
John B. McCrory, Esquire of Counsel
Attorneys For Defendants
Lincoln First Tower
Rochester, New York 14604
716 546-8000

[Filed 4/5/74]

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

EULA LEE BLOWERS, individually, and on
behalf of all other persons similarly
situated

50 Joanne Drive
Rochester, New York

Plaintiff,

- v -

LAWYERS COOPERATIVE PUBLISHING COMPANY, INC.
One Aqueduct Street, Rochester, New York

DONALD BENNETT,
One Aqueduct Street, Rochester, New York

CHARLES DONNER,
One Aqueduct Street, Rochester, New York

ROBERT FEIN,
, Rochester, New York

Defendants.

Civil Action

No. 1973-47

NOTICE TO

PRODUCE

F.R.C.P. 34

Pursuant to Rule 34 of the Federal Rules Of
Civil Procedure, Plaintiff requests that you produce and per-
mit Plaintiff, by her attorney, to inspect and copy, at her
offices, 19 Arnold Park, Rochester, New York, on April 29, 30
and May 1, 1974 from 10:00 A.M. to 12:00 NOON and from 2:00
P.M. to 5:00 P.M. on each day, the following:

1. All EEO-1 reports prepared and filed by
Defendant LAWYERS COOPERATIVE PUBLISHING COMPANY.

2. All affirmative action programs prepared
by Defendant LAWYERS COOPERATIVE PUBLISHING COMPANY.

3. All written materials of whatever nature
in connection with LAWYERS COOPERATIVE PUBLISHING COMPANY pol-

icy on exempt employees.

4. All written materials of whatever nature in connection with the LAWYERS COOPERATIVE PUBLISHING COMPANY policy on non-exempt employees.

5. Any LAWYERS COOPERATIVE PUBLISHING COMPANY written employee rules of whatever nature or description for the last five years, including, for example, without intending to limit, employee manuals furnished by the Company to employees describing dress codes, leave policies, maternity benefits, use of Company cafeteria by employees, taking of breaks by employees, employee movement from one department to another, employee access to coffee and tea making equipment and responsibility for employees to clean coffee and tea making equipment.

6. Forms or any writing of any nature whatsoever used by LAWYERS COOPERATIVE PUBLISHING COMPANY personnel in interviewing prospective employees, for the last five years.

7. Interview forms or any writing of any nature whatsoever used by LAWYERS COOPERATIVE PUBLISHING COMPANY personnel on the employment interview of Plaintiff EULA LEE BLOWERS.

8. The form and/or any writing of any nature whatsoever which LAWYERS COOPERATIVE PUBLISHING COMPANY forwards to its physician in requesting a report on a prospective employee's health, for the last five years.

9. The form and/or any writing of any nature whatsoever which LAWYERS COOPERATIVE PUBLISHING COMPANY forwarded to its physician in requesting a report on the health of Plaintiff EULA BLOWERS.

10. The document or documents showing the employment agencies used by LAWYERS COOPERATIVE PUBLISHING COMPANY in recruiting employees, showing as well, whether certain employees for certain departments are recruited through certain agencies and if so which employees for which departments.

11. Employee requisition forms for all departments of LAWYERS COOPERATIVE PUBLISHING COMPANY from January 1965 to January 1974.

12. The document or documents containing the LAWYERS COOPERATIVE PUBLISHING COMPANY maternity leave policy for its employees from January 1965 to January 1974.

13. The document or documents of LAWYERS COOPERATIVE PUBLISHING COMPANY showing the different departments at LAWYERS COOPERATIVE PUBLISHING COMPANY and, for each department, the employees in that department, including date of hire, sex, classification, advancement experience of employee, salary experience of employee and present salary.

14. The document or documents showing the supervisory positions at LAWYERS COOPERATIVE PUBLISHING COMPANY and with respect to each position the sex of the person holding the position, salary of the person holding the position, date of assuming the title, classification, salary progression of the employee and employment progression of the employee.

15. The document or documents of LAWYERS COOPERATIVE PUBLISHING COMPANY showing managerial positions of the Company and with respect to those positions, the sex of the person holding the position, the classification of that person, the salary of that person, the salary progression ex-

perience of that person, job progression experience of that employee and the present salary of that employee.

16. The document or documents of LAWYERS CO-OPERATIVE PUBLISHING COMPANY showing the employees in the Advance Reading Department, the Correspondence Department, the Proof Room, and the Editorial Indexing Department and, with respect to each employee in each department, the names, sex, age, dates of hire, starting salary, salary progression, classification progression and current salary.

17. The job descriptions for employees in the LAWYERS COOPERATIVE PUBLISHING COMPANY Advance Reading Department, Correspondence Department, Editorial Indexing Department, Proof Room, ^{and for} Purchasing Agent, Accountant, Computer Librarian, Truck Driver, Press Man, Managing Editor, Professional Interviewer, Printing Personnel, Systems Analyst, Machine Operators-Gathering, Shipping, Binding - from 1965 to January 1974.

18. The document or documents showing the respective classification, job levels, labor grades and pay scales for LAWYERS COOPERATIVE PUBLISHING COMPANY employees from January 1965 to January 1974.

19. The document or documents of LAWYERS CO-OPERATIVE PUBLISHING COMPANY describing any LAWYERS COOPERATIVE PUBLISHING COMPANY training and/or apprenticeship program for any job of whatsoever description at LAWYERS COOPERATIVE PUBLISHING COMPANY, including, any training or apprenticeship program made available to Company employees by a labor union.

20. Applicant register for LAWYERS COOPERATIVE PUBLISHING COMPANY from January 1965 to January 1974.

21. The document or documents of LAWYERS COOPERATIVE PUBLISHING COMPANY which describe any employee bene-

fit made available by the Company, including, without intending to limit, sick pay and/or sick leave benefits, maternity leave and/or maternity pay benefits, disability benefits, vacation benefits, insurance benefits, termination benefits, from January 1965 to January 1974.

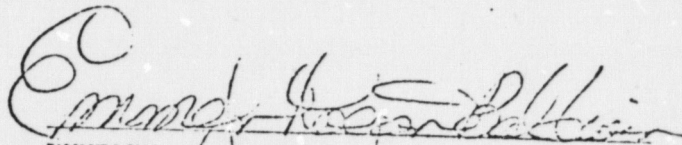
22. All LAWYERS COOPERATIVE PUBLISHING COMPANY news articles, press releases, memoranda or writings of any nature, whatsoever, distributed to Company employees and/or the media or third parties, in regard to Plaintiff NATIONAL ORGANIZATION FOR WOMEN complaints against LAWYERS COOPERATIVE PUBLISHING COMPANY or in regard to any present or former employee complaints against LAWYERS COOPERATIVE PUBLISHING COMPANY since December 1971.

23. All writings of whatsoever nature in connection with the application of Helmut Wolf or employment with LAWYERS COOPERATIVE PUBLISHING COMPANY, including, without intending to limit, the letter from LAWYERS COOPERATIVE PUBLISHING COMPANY employee John Wright to Helmut Wolf dated October 22, 1971.

24. All writings in connection with the NATIONAL ORGANIZATION FOR WOMEN complaint against LAWYERS COOPERATIVE PUBLISHING COMPANY filed with the Office Of Federal Contract Compliance and all writings furnished by LAWYERS COOPERATIVE PUBLISHING COMPANY in response to those charges.

25. All writings in connection with the NATIONAL ORGANIZATION FOR WOMEN complaint against LAWYERS COOPERATIVE PUBLISHING COMPANY filed with the United States Department Of Labor in connection with an equal pay complaint and all materials of LAWYERS COOPERATIVE PUBLISHING COMPANY in

response to that complaint.



EMMELYN LOGAN-BALDWIN
Attorney For Plaintiff
Eula Lee Blowers
19 Arnold Park
Rochester, New York 14607
716 442-4150

Dated: April 2, 1974.

TO: NIXON, HARGRAVE, DEVANS & DOYLE
John B. McCrory, Esquire of Counsel
Lincoln First Tower
Rochester, New York 14604
716 546-8000

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[Filed 4/5/74]

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

EULA LEE BLOWERS, individually, and on
behalf of all other persons similarly
situated

50 Joanne Drive
Rochester, New York

Plaintiff,

- v -

LAWYERS COOPERATIVE PUBLISHING COMPANY, INC.
One Aqueduct Street, Rochester, New York

DONALD BENNETT,
One Aqueduct Street, Rochester, New York

CHARLES DONNER,
One Aqueduct Street, Rochester, New York

ROBERT FEIN,
Rochester, New York
Defendants

FIRST
INTERROGATORIES
PROPOUNDED BY
PLAINTIFF

Civ. Action No.
1973-47

TO: NIXON, HARGRAVE, DEVANS & DOYLE
John B. McCrory, Esquire of Counsel
Lincoln First Tower
Rochester, New York 14604
716 546-8000

Attorney For Defendants

Plaintiff requests that Defendant LAWYERS
COOPERATIVE PUBLISHING COMPANY, INC., by an officer or agent
competent to testify concerning the facts about which inquiry
is made, answer under oath, in accordance with Rule 33 of the
Federal Rules Of Civil Procedure, the following Interrogatories.
The information requested in each Interrogatory is to be answered
separately as to each year from 1960 to the present unless
otherwise indicated. In lieu of identifying particular
documents, such documents may, at your option, be attached to
the answers to these Interrogatories.

These Interrogatories shall be deemed continuing and shall be supplemented when necessary to reflect events occurring and information becoming available subsequent to the filing of initial answers. Defendant is requested to answer every portion of each inquiry to the extent that there is no specific objection to each such portion.

For the purposes of these Interrogatories the following definitions apply:

A. As used herein "identify" and "state the identity of," when used in reference to:

1. Documents shall mean to state the date, author, sender, recipient, type of document (i.e., a letter, telegram, memorandum, book, chart, etc.) or other means of identifying it, and its present location or custodian, and in the case of a document within the possession, custody or control of Defendant LAWYERS COOPERATIVE PUBLISHING COMPANY, whether Defendant LAWYERS COOPERATIVE PUBLISHING COMPANY will make it available to Plaintiff's attorney for inspection and/or copying; and in the case of a document that was, but is no longer, in the possession, custody, or control of Defendant LAWYERS COOPERATIVE PUBLISHING COMPANY what disposition was made of it;

2. Communication or communications shall mean to state the date, communicator, communicatee, any other person present at or overhearing the communication and the nature of the communication and shall include any oral, written or visual contact between two or more persons wherein any information or document was exchanged between two or more persons;

3. Data shall mean any document or communi-

cation as defined above and as referred to in the instructions.

4. Source shall mean to state each of 1, 2 and 3 above which relate to the topic being inquired about;

5. Person shall mean an individual, firm, partnership, corporation, proprietorship, joint venture, association, governmental bureau, branch, or agency, or any other organization or entity. In each case a response shall state the full name and present or last-known position or job classification and business affiliation of an individual.

B. As used herein, "relating to" means in any way, directly or indirectly, concerning, referring, or relating to, analyzing, considering, supporting, qualifying or negating.

C. "Date" shall mean the exact day, month and year if ascertainable, or if not, the best approximation.

D. "Place" shall mean the exact location, if ascertainable, within a building, which shall also be identified, or any other location if applicable and ascertainable or if not, the best approximation.

E. The term "white" when used in reference to a person, employee or applicant does not include Spanish - surnamed Americans. In this regard, when a question requires the identification of individuals by national origin, information on Spanish - surnamed Americans should be separately listed.

Instructions

In answering each of the following Interrogatories, you are requested to identify all data relied upon by you in answer to each part, paragraph, or subparagraph thereof.

Interrogatories

1. For each facility maintained by LAWYERS COOPERATIVE PUBLISHING COMPANY in the State of New York state:

- a. its name;
- b. its location;
- c. the date since it has been in use by the Company;
- d. whether it has been in use prior to such date, and, if so, the relationship of the prior user to LAWYERS COOPERATIVE PUBLISHING COMPANY, INC.;
- e. whether the use has discontinued, and, if so, the date of its termination.

2. State the number of employees at each facility identified in the answer to Interrogatory No. 1, as of January 1 of each year from 1960 to the present.

3. For each facility identified in the answer to Interrogatory No. 1, state:

- a. the name of each department in the facility;
- b. the name of each job category or sub-category in each department from January 1, 1960 to the present indicating the time period in which such categories were in the department;
- c. the duties performed and/or responsibilities fulfilled by employees in each job category or sub-category;
- d. the rate of pay for each job category or sub-category as of January 1, 1960 and January 1 for each succeeding year

until January 1, 1974;

- e. the present rate of pay for each job category or sub-category;
- f. the number of (1) all employees, (2) white male employees, (3) white female employees, (4) black male employees (5) black female employees (6) Spanish-surnamed American male employees (7) Spanish-surnamed American female employees in each shift or each job category or sub-category as of January 1, of each year from 1960 to 1974 and as of the present;
- g. those job categories in which the employees were represented by a "labor organization", as that term is defined in 42 U.S.C. §2000e(d), as of January 1, of each year from 1960 to 1974;
- h. the name and address of each labor organization which represented employees in a particular job category identified in answer to part (g), indicating the job categories the labor organization represented, and the dates within which the labor organization represented these employees;
- i. the title and dates of any agreement into which LAWYERS COOPERATIVE PUBLISHING COMPANY entered with the labor organizations.

4. Identify, with sufficient specificity to form the basis of an eventual Rule 34 request for the production of documents, all documents in the company's possession, subject to its control, or of which it has knowledge, which would reflect any of the information requested in Interrogatory 3 and state to which subsection each such document is relevant.

5. For each facility identified in the answer to Interrogatory No. 1, state the number of applications for employment filed with LAWYERS COOPERATIVE PUBLISHING COMPANY, during each year from January 1, 1960 to January 1, 1974 and from January 1, 1974 to the present, by (1) all applicants (2) white male applicants (3) white female applicants (4) black male applicants (5) black female applicants (6) Spanish-surnamed American male applicants and (7) Spanish-surnamed American female applicants.

6. State, separately for each numbered part of the response to Interrogatory 5 above:

- a. the number of applicants considered qualified, under whatever standards were then in use, to be employed by the company in any capacity, regardless of whether any such jobs were then available and regardless of whether the applicant was in fact hired by the company.
- b. the number of applicants considered not qualified, under whatever standards were then in use, to be employed by the company in any capacity.

7. For each new hire since January 1, 1960, state:

- a. name of person hired;
- b. whether the person hired was white, black, Spanish-surnamed American, male or female;
- c. whether the person was recruited by:
 - (1) word-of-mouth recruiting (referral or recommendation);
 - (2) advertisement;
 - (3) campus recruiting or other solicitations;

- (4) employment agencies;
 - (5) other;
 - d. the name, race and sex of the person referring or recommending each person hired pursuant to (c) (1) above;
 - e. the dates of the publication or broadcast of the advertisement which lead to the hiring of persons listed in answer to (c) (2) above, the name of the publisher or broadcaster of such advertisements, whether the advertisement was placed in a "Help Wanted Male" "Help Wanted Female" or similarly designated column and whether the body of the ad contained any specification as to the sex, race or national origin of the employee sought;
 - f. name of the college, school or any other place visited, in recruiting persons hired pursuant to (c)(3) above, and state the date of such visits;
 - g. the name and address of the employment agency used to recruit persons hired pursuant to (c)(4) above, and state the specifications of your order to the employment agency, including any sex, race or national origin preferences.
- 8.a. Specify all employment advertisements for employment covered in Interrogatory No. 7(c)(2), indicating the name and address of the publisher or broadcaster, and the dates of the publication or broadcast of the advertisement.
- b. Specify all college, school or other recruiting visits not described in Interrogatory 7(c)(3), indicating their places and dates.
- c. Specify all employment requests furnished to employment agencies other than those identified in answer to Interrogatory 7 (c)(4) and state the name and address of the employment agency and any specification in such requests as to race, sex or national origin.

9. Identify, with sufficient specificity to form the basis of an eventual Rule 34 request for the production of documents, all documents in the company's possession, subject to its control, or of which it has knowledge, which would reflect any of the information requested in Interrogatories 5, 6, 7, and 8, and state the portions of such Interrogatories to which each such document is relevant.

10. Identify, with sufficient specificity to form the basis of an eventual Rule 34 request for the production of documents, all of the forms now used by the company in connection with the processing of applications for employment and state as to each form the period during which it has been used.

11. Identify, with sufficient specificity to form, the basis of an eventual Rule 34 request for the production of documents, each of the forms used by the company between January 1, 1960 and the present date, but which are not now used, in connection with the processing of applicants for employment, and state as to each the period in which it was in use.

12. For each facility identified in answer to Interrogatory No. 1, state the length of time during which an application for employment will continue to be considered by LAWYERS COOPERATIVE PUBLISHING COMPANY after it is filed.

13. For each facility identified in answer to Interrogatory No. 1, state the length of time an application for employment is retained by LAWYERS COOPERATIVE PUBLISHING COMPANY if:

- a. the applicant was employed;
- b. the applicant was not employed.

14. For each facility identified in answer to Interrogatory No. 1, state what steps an applicant for employment should or must take in order to have his or her application receive continued consideration by LAWYERS COOPERATIVE PUBLISHING COMPANY. State the effects of failure to take such steps.

15. For each facility identified in answer to Interrogatory No. 1, state:

- a. the address of each office used at any time since January 1, 1960 to the present to interview applicants for employment;
- b. the name, address, job, race, sex and national origin of each person employed by LAWYERS COOPERATIVE PUBLISHING COMPANY to work in each such office.

16. Identify, with sufficient specificity to form the basis of an eventual Rule 34 request for the production of documents, all documents in the company's possession, subject to its control, or of which it has knowledge, which would reflect any of the information requested in Interrogatory 15 and state the portions of Interrogatory 15 to which each such document is relevant.

17.a. For each job category or sub-category identified in answer to Interrogatory No. 3 b. state whether LAWYERS COOPERATIVE PUBLISHING COMPANY has ever, since January 1, 1960, inquired concerning an applicant for employment's:

1. arrests;
2. criminal convictions;
3. bankruptcies;
4. garnishments;
5. debts and installment payments;

6. sex;
7. marital status;
8. number of children;
9. child care arrangements;
10. menstrual cycle experience;
11. political affiliations or preferences;
12. friends and associates;
13. social attitudes;
14. race ;
15. religion;
16. color;
17. national origin;
18. citizenship;
19. length of residency;
20. education accomplishments;
21. bank references or other type commercial references;

b. If such inquiries were made state the dates when the inquiries were made.

18. For each facility and for each job category and for each of the years from 1960 to present, state:

- a. any directions, oral or written, to persons in the employ of LAWYERS CO-OPERATIVE PUBLISHING COMPANY, Inc. who were screening job applicants;
- b. any directions, oral or written, to persons concerning questions to ask of potential applicants;
- c. the contents of any interviewer's analysis sheet or similar document utilized by LAWYERS COOPERATIVE PUBLISHING COMPANY

or its agents;

- d. any questions which were to be asked of females, blacks, and Spanish-surnamed Americans which were not asked of other persons.

19. Identify, with sufficient specificity to form the basis of an eventual Rule 34 request for the production of documents, all documents in the possession of LAWYERS COOPERATIVE PUBLISHING COMPANY, subject to its control, or of which it has knowledge, which would reflect any of the information requested in Interrogatories 17 and 18 and identify the portions of Interrogatories 17 and 18 to which each document is relevant.

20. For each job category or sub-category listed in response to Interrogatory 3b above, state:

- a. each objective criterion, other than performance on written or manual tests, that has been a factor in evaluating applicants for employment or deciding the initial assignment of new hires to such job category at any time since January 1, 1960;
- b. the periods during which such criterion has been in use;
- c. the weight given to each such criterion.

21. For each job category or sub-category listed in response to Interrogatory 3b above state:

- a. each objective criterion, other than performance on a written or manual test, that has been a factor considered in connection with the transferring, upgrading and/or promotion of employees to such job category or sub-category, at any time since January 1, 1960;
- b. the periods during which each such criterion has been in use;

c. the weight to each such criterion.

22. Identify, with sufficient specificity to form the basis of an eventual Rule 34 request for the production of documents, all documents in LAWYERS COOPERATIVE PUBLISHING COMPANY's possession, subject to its control, or of which it has knowledge, which would reflect any of the information requested in Interrogatories 20 and 21 and identify the portions of each such Interrogatory to which each such document is relevant.

23. As to each criterion set forth in the responses to Interrogatories 20 and 21 above, state:

- a. whether any such criterion has since January 1, 1960 been waived for any employee or employees. If so, state the circumstances of each such waiver, including the criterion involved and the dates and numbers of white male, Spanish-surnamed American male, black male, white female, Spanish-surnamed American female, and black female employees benefited in each such instance;
- b. the name and address of each company official participating in the decision to adopt, to retain, to modify, or to abandon each such a criterion.

24. Identify, with sufficient specificity to form the basis of an eventual Rule 34 request for the production of documents, all documents in LAWYERS COOPERATIVE PUBLISHING COMPANY's possession, subject to its control, or of which it has knowledge, which would reflect any of the information requested in Interrogatory 23 and state the portions of Interrogatory 23 to which each such document is relevant.

25. For each facility listed in answer to

Interrogatory No. 1, state:

- a. whether any written or manual tests tests have been administered to applicants for employment or persons seeking or under consideration for promotion from January 1, 1960 to the present;
- b. the name and a brief description of each such test;
- c. the job categories or sub-categories for which each such test is used;
- d. the dates during which each test was used for each job category;
- e. the extent to which LAWYERS COOPERATIVE PUBLISHING COMPANY used the test scores in selecting employees for each job category.

26. For each test listed in answer to Interrogatory 25(b) state:

- a. whether a fixed passing score on such a test has been required for employment in, or promotion to, any job category or sub-category at any time from January 1, 1960 to the present;
- b. the fixed passing score on each test and the job category or sub-category for which this score has been required;
- c. the dates during which each such fixed passing score has been required for each job category or sub-category;
- d. whether the requirements of taking or passing any test has been waived by LAWYERS COOPERATIVE PUBLISHING COMPANY for any applicant, or employee, group of applicants or employees;

- c. which test taking or passing requirements have been waived for each job category or sub-category, and give the date of each such waiver;
- f. the number of white male, black male, Spanish-surnamed American males, white female, black female, Spanish-surnamed American female employees or applicants for employment, who have benefited by such waivers;
- g. the name and address of each of LAWYERS COOPERATIVE PUBLISHING COMPANY's officers, agents, and employees and outside or professional consultant who participated in any way in the adoption, retention, modification or abandonment of any test-taking or test-passing requirement.
- h. the efforts made by, on behalf of, or in cooperation with LAWYERS COOPERATIVE PUBLISHING COMPANY to evaluate the effectiveness of such test to predict job performance, indicating for each such test:
 - (1) the nature and date of each such evaluation effort.
 - (2) the results of each such evaluation effort.
 - (3) the name and address of each of LAWYERS COOPERATIVE PUBLISHING COMPANY's officers, agents and employees and of each outside or professional consultant who participated in any way in each such evaluation effort.

27. State the number of white male, white female, black male, black female, Spanish-surnamed American male and Spanish-surnamed American female applicants for employ-

ment who have taken tests for which there is a fixed passing score, and state the name, race, sex and national origin of applicants or employees who have passed such tests in each year from January 1, 1960 to the present.

28. Identify, with sufficient specificity to form the basis of an eventual Rule 34 request for the production of documents, all documents in the company's possession, or subject to its control, or of which it has knowledge, which would reflect any of the information requested in Interrogatories 25, 26 and 27 and state the portions of Interrogatories 25, 26 and 27 to which each such document is relevant.

29. For each test listed in response to Interrogatory 25, state:

- a. the names, addresses, and relationship to the company of the person or persons who administer the tests;
- b. the names, addresses, and relationship to the company of the person or persons who score the tests;
- c. the names, addresses, and relationship to the company of the person or persons who inform applicants or employees of the results of these tests;
- d. whether, and under what circumstances, an applicant's or employee's test score and/or answer sheet is made available to him/her after the test is graded;
- e. whether, and under what circumstances, an applicant or employee who has taken a test may inspect the test scores, and/or the answer sheets of other employees

who have taken the same test.

- f. the length of time during which the test scores, and/or the answer sheets are retained by the company or by others on its behalf, or over whom it has control.
- g. the circumstances, if any, under which an applicant or employee who fails or performs poorly on such a test the first time is permitted to take it again.

30. Identify, with sufficient specificity to form the basis of an eventual Rule 34 request for the production of documents, all documents in LAWYERS COOPERATIVE PUBLISHING COMPANY's possession, subject to its control, or of which it has knowledge, which would reflect any of the information requested in Interrogatory 29 and state the portions of Interrogatory 29 to which each such document is relevant.

31. For each of the job categories or sub-categories listed in response to Interrogatory 3b state:

- a. whether employees assigned to this job category or sub-category are ordinarily expected to acquire skills in the performance of their jobs which are considered essential to the performance of higher-paying or more desirable jobs;
- b. the skills expected to be acquired;
- c. the job categories or sub-categories for which the acquisition of these skills is considered essential;
- d. the period of time normally essential for the sufficient acquisition of such skills;
- e. whether such a period of time has, at any time since January 1, 1960, been embodied in a job residency or job ten-

any requirement which an employee must complete before being considered for promotion or transfer.

- f. the length of any job residency or tenancy requirement, the dates during which it has been in use, and each instance in which it has been waived as to any employee or group of employees, indicating for each such waiver;
- g. for each waiver, set forth in (e);
 - (1) where the employee worked at the time of the waiver;
 - (2) the date of the waiver;
 - (3) the job category or sub-category to which he/she could be promoted because of the waiver;
 - (4) whether he/she in fact received such a promotion;
 - (5) the number of white male employees, Spanish-surnamed American male employees, black male employees, white female employees, Spanish-surnamed female employees, and black female employees benefited by the waiver;
- h. whether alternative means of acquiring such skills are available to employees. If so, describe them. State their cost, if any, to the employee and state the length of time normally required to acquire such skills by such alternate means.

32. Identify, with sufficient specificity to form the basis of an eventual Rule 34 request for production of documents, all documents in the company's possession, or subject to its control or of which it has knowledge, which would

reflect any of the information requested in Interrogatory 31 and state the portions of each such Interrogatory to which each such document is relevant.

33. For each facility listed in answer to Interrogatory No. 1, and for each year from January 1, 1960 to the present, state:

- a. the number of job applicants hired and initially assigned to each job category or sub-category listed in answer to Interrogatory No. 3(b), indicating separately:
 - (1) all new hires;
 - (2) white male hires;
 - (3) white female hires;
 - (4) black male hires;
 - (5) black female hires;
 - (6) Spanish-surnamed American male hires;
 - (7) Spanish-surnamed American female hires;
- b. the number of employees upgraded or promoted to each job category or sub-category listed in answer to Interrogatory 3(b), indicating separately:
 - (1) all employees promoted;
 - (2) white male employees promoted;
 - (3) white female employees promoted;
 - (4) black male employees promoted;
 - (5) black female employees promoted;
 - (6) Spanish-surnamed American male employees promoted;
 - (7) Spanish-surnamed American female employees promoted;

34. Identify, with sufficient specificity to form the basis of an eventual Rule 34 request for the produc-

tion of documents, all documents in the company's possession, or subject to its control, or of which it has knowledge, which would reflect any of the information requested in Interrogatory 33 and state the portions of Interrogatory 33 to which each such documents is relevant.

35. For each seniority system which is presently in use and for each seniority system which was in use at any time between January 1, 1960, and the present date, state the following:

- a. the period during which it is/was in effect;
- b. the job categories or sub-categories to or between which it is/was applied;
- c. whether it is/was embodied in any collective bargaining or other agreement with a union;
- d. the extent to which it governed an employee's
 - (1) ability to avoid being laid off;
 - (2) ability to "bump" a junior employee from his or her job;
 - (i) where the junior employee is/was in the same line of progression and department;
 - (ii) where the junior employee is/was in a different line of progression or in a different department;
 - (3) right to be recalled, if laid off;
 - (4) ability to be upgraded or promoted;
 - (5) ability to obtain a transfer;
 - (6) right to better terms and conditions of employment, such as longer vacations, etc;

- e. whether it differentiates/differentiated between employees on the basis of sex by its terms;
- f. the composition of each seniority roster thereunder indicating race, national origin and sex of each person in each seniority roster and the time from which his or her seniority dates.

36. Does a transfer from one department to another or from one line of progression to another ever result in a loss of any kind of seniority? If so, describe.

37. For each facility and for each job category or sub-category listed in response to Interrogatory 3b above; state:

- a. all methods used by the company to inform current employees of job vacancies;
- b. the exact location at which any notices of job vacancies are posted;
- c. the length of time such notices are posted;
- d. the job categories or sub-categories:
 - (1) for which notices are always posted;
 - (2) for which notices are sometimes posted;
 - (3) for which notices are never posted.
- e. information requested in all forms used by the company in connection with the processing of applications for transfer or promotion to the job vacancies.
- f. the names, addresses, race, sex, national origin, and job title of all persons responsible for making recommendations, receiving and/or processing a request for promotion or transfer to the job vacancies.
- g. the dates for which any method described in 37(a) was/is in use.

38. Identify, with sufficient specificity to form the basis of an eventual Rule 34 request for the production of documents, all documents in the company's possession, subject to its control, or of which it has knowledge, which would reflect any of the information requested in Interrogatory 37 and state to which subsection of the Interrogatory each such document is relevant.

39. State, separately for each facility and for each category and subcategory, for each twelve month period since January 1, 1960 and for the period from January 1, 1974 to the present, the number of employees:

- a. who requested promotion or transfer to other job categories or sub-categories, indicating the exact figure for:
 - (1) all employees;
 - (2) white male employees;
 - (3) white female employees;
 - (4) black male employees;
 - (5) black female employees;
 - (6) Spanish-surnamed American male employees;
 - (7) Spanish-surnamed American female employees;
- b. who requested promotions or transfers and who satisfied the objective criteria established by the Company to determine whether an employee shall be promoted or transferred, regardless whether the job sought was available, indicating the exact figure for:
 - (1) all employees;
 - (2) white male employees;

- (3) white female employees;
- (4) black male employees;
- (5) black female employees;
- (6) Spanish-surnamed American male employees;
- (7) Spanish-surnamed American female employees;

40. Identify, with sufficient specificity to form the basis of an eventual Rule 34 request for production of documents, all documents in the Company's possession, subject to its control, or of which it has knowledge, which would reflect any of the information requested in Interrogatory 39 and state the subsection of the Interrogatory to which each document is relevant.

41. For each facility and for each twelve month period since January 1, 1960 and for the period from January 1, 1974 to present, state:

- a. each job category or sub-category in which it is or has been possible to earn:
 - (1) overtime pay, include the rate of such overtime pay;
 - (2) incentive pay, include the rate of such incentive pay;
- b. the practice and procedures by which production quotas are set;
- c. the names, addresses, race, sex, national origin and job title of the Company's officials, agents or employees who allot production quotas, separately for each job category or sub-category;
- d. the means by which work is allocated to

employees in each job category or sub-category listed in answer to a() when there is insufficient work for each employee to work at his or her full capacity;

- e. the means by which overtime work is allocated to employees in each category or sub-category listed in answer to a(1);
- f. the names, addresses, sex, race, national origin and job title of the Company's officers, agents or employees who allocate incentive pay work and overtime work to employees in each job category or sub-category listed in answer to (a).

42. For each year from July 2, 1965 to the present, state separately for each category or sub-category:

- a. average incentive pay earned by:
 - (1) male employees;
 - (2) female employees;
- b. average overtime pay earned by:
 - (1) male employees;
 - (2) female employees;

43. If at any time after January 1, 1960 two employees in the same job category or sub-category have worked under different production quotas for the same material, describe in detail the circumstances in each case. Include, but do not limit to your answer to the following information:

- (1) the dates such quotas were used;
- (2) the number of male employees and the number of female employees involved;
- (3) the reasons for such different quotas;
- (4) the names, addresses, race, sex, national origin and job title of the Company's officers, agents, and employees who allocated such quotas in each instance.

44. Identify, with sufficient specificity to form the basis of an eventual Rule 34 request for production of documents, all documents in the Company's possession, subject to its control, or of which it has knowledge, which would reflect any of the information requested in Interrogatories 41, 42 and 43 and state subsection of the Interrogatory to which each document is relevant.

45. State separately as to each year from January 1, 1960 to the present, whether there has been any job category or sub-category in which male, female, Spanish-surnamed Americans or black Americans were not employed or if employed did not exceed five per cent (5%) of the number of persons therein employed. If so, give the job category or sub-category and dates in which above described situation prevailed. Give the actual per cent, if any, of the male, female, Spanish-surname Americans or black Americans so employed.

46.(a) State whether at any time since January 1, 1960 Spanish-surnamed Americans, black Americans, males or females have been restricted or excluded from any:

- (1) job category or sub-category;
- (2) occupational grouping;
- (3) line of progression;
- (4) department;
- (5) room, compartment or other plant facility;

b. If the answer to (a) is affirmative, state:

- (1) the period during which each restriction or exclusion was operative;
- (2) the means by which each restriction or exclusion was operative;

- (3) the dates and manner of removal of each restriction or exclusion, if, in fact they have been removed,
- (4) the nature of any rights granted to, or or conditions imposed upon employees desiring transfer to positions from which they were the previously restricted or excluded, including by not limited to:
 - (a) the amount of job, occupational grouping, departmental, room or divisional seniority, if any, an above mentioned employee retains upon promotion or transfer to a previously inaccessible position.
 - (b) whether access to any of the previously restricted positions is now limited or denied, or for a time was limited or denied to the described employees because they had not been previously employed in the positions as to which a restriction was at one time operative. If so, state the details of each situation and describe how seniority is utilized in placing persons into positions from which they were formerly barred.

47. Identify, with sufficient specificity to form the basis of an eventual Rule 34 request for the production of documents, all the documents in the Company's possession, subject to its control, or of which it has knowledge, which would reflect any of the information requested in Interrogatories 45 and 46 and state the subsection of the Interrogatory to which each document is relevant.

48.(a) State whether the Company has ever received complaints or petitions, directly or indirectly, by any employees alleging that they have been subjected to racial or sexist epithets, physical force, overly-technical enforcement of Company regulations, personal indignities, reprisals, and/or other forms of harassment because of their being black, female or Spanish-surnamed.

b. If the answer to (a) is affirmative state:

- (1) The allegation made in each complaint or petition;
- (2) whether LAWYERS COOPERATIVE PUBLISHING COMPANY conducted an investigation of the complaint or petition in detail;
- (3) the name, address, race, sex, national origin and job title of the Company official, agent or employee in charge of the investigation;
- (4) the findings of the investigation and state if any record currently exists of such findings;
- (5) the final disposition of the complaint or petition.

49.a. State whether LAWYERS COOPERATIVE PUBLISHING COMPANY has ever received any complaints or petitions from any of its black, female or Spanish-surnamed employees alleging race, sex or national origin discrimination in any of the terms or conditions of employment with the Company.

b. If the answer to a is affirmative state:

- (1) the allegations of the complaint or petition;

- (2) whether an investigation was conducted concerning the complaint or petition;
- (3) the name, address, race, sex, national origin and job title of the Company official, agent or employee in charge of the investigation;
- (4) the findings of the investigation and state if any record currently exists of such findings;
- (5) the final disposition of the complaint or petition.

50. State whether the Company has ever been subjected to a review of its employment practices by the United States Government Office of Federal Contract Compliance, or the Wage and Hour Division of the United States Department of Labor. If the answer is affirmative further state:

- a. the contracting agency involved;
- b. the reviewing agency;
- c. the discrimination alleged;
- d. the dates of any investigation;
- e. findings of the investigating agency;
- f. whether as a result of the investigation any contract with an agency of the United States has been cancelled, terminated, suspended or otherwise affected.

51. I certify with sufficient specificity to form the basis of an eventual Rule 34 request for production of documents, all reports which have been prepared and/or filed with the Office of Federal Contract Compliance (OFCC) between January 1, 1960 and the present date, and all written reports and materials used to prepare such reports.

52. Identify with sufficient specificity to form the basis of an eventual Rule 34 request for production of documents in the Company's possession, subject to its control, or of which it has knowledge, which would reflect any of the information in Interrogatory 50.

53. State whether the company, at any time between January 1, 1960 and the present date, has been named as a defendant in any judicial and/or administrative action wherein the claims of the plaintiff(s) have been based in whole or part on Title VII of the Civil Rights Act of 1964, the Equal Pay Act, Section 1 of the Civil Rights Act of 1866, Section 2 of the Civil Rights Act of 1871 or New York State Human Rights Law. If so, state:

- a. the date the action was filed;
- b. the court or agency in which the action was filed and the civil action or control number assigned;
- c. the parties to the action;
- d. the current status of the action, if it is currently pending;
- e. the disposition of the action, if it is no longer pending.

54. For each job- vacancy which became open during the twelve month period preceding January 1, 1960, and for each year thereafter, indicate separately for each facility:

- a. the name and current address of the person who filled the vacancy and his/her prior job with the Company;
- b. the names of all persons considered

eligible for the job and their qualifications;

- c. the names of all persons informed of the vacancy and the means utilized;
- d. all bid notices posted, including location and dates.

55. For the twelve month period preceding January 1, 1960 and for each year thereafter, list any job category which had both males and females and state:

- a. the rate of pay for males and females in each category;
- b. the name and current address of the females in such categories;
- c. state, separately for males and females, the length of time they remained in the job category.

56. Identify, with sufficient specificity to form the basis of an eventual Rule 34 request for the production of documents, all documents in the Company's possession, subject to its control, or of which it has knowledge which would reflect any of the information requested in Interrogatories 54 and 55 and state to which subsection of the Interrogatory each document is relevant.

57. Describe any training courses or programs which have been made available by or through LAWYERS COOPERATIVE PUBLISHING COMPANY to employees since January 1, 1960, including:

- a. the skills intended to be imparted by the course or program;
- b. the length of each course or program and the frequency with which it is offered;
- c. which employees are eligible;

- d. the manner in which employees are informed of the course or program;
- e. criteria for determining eligibility to the course or program;
- f. the cost of the course or program, if any, to the employee taking it;
- g. the job category or subcategory for which the training is helpful in obtaining promotion or transfer;
- h. the number of employees taking part in these courses or programs for each year since January 1, 1960 to the present separately for:
 - (1) all employees;
 - (2) white male employees;
 - (3) white female employees;
 - (4) black male employees;
 - (5) black female employees;
 - (6) Spanish-surname American male employees;
 - (7) Spanish-surname American female employees;
- i. Give the name, address, race, sex, national origin and job title of each of the Company's officers, agents and employees and of each outside professional consultant who in any way participated, collaborated, or gave advise concerning the use of adoption, retention, modification, availability or abandonment of the above courses or programs.

58. State separately for each facility in the State of New York during the twelve month period preceding January 1, 1960 and for each year thereafter:

- a. the name, sex, race and national origin

of all:

- (1) "Foremen" - i.e. person
 - (2) assistant "Foremen" - i.e. person
 - (3) supervisors
 - (4) managers
 - (5) inspectors
 - (6) any other person who had responsibility for the performance of five (5) or more employees
- b. manner in which the persons listed in answer to (a) were chosen;
 - c. their rate of pay, whether hourly or salaried.

59. For each job classification at each facility in the State of New York state:

- a. when each job classification had permanently assigned to it the first:
 - (1) black;
 - (2) Spanish-surnamed American;
 - (3) female or;
 - (4) male;
- b. those job classifications which up to December 3, 1971 had not had permanently assigned to it any
 - (1) black;
 - (2) Spanish-surnamed American;
 - (3) female or;
 - (4) male.

60. Indicate the employee benefits which you have given your employees, at all levels, from July 2, 1964 to present. Including but not limiting to the following:

- a. stock options;
- b. sabbaticals;
- c. sick leave;
- d. disability leave;

- e. vacation leave;
- f. Christmas bonuses;
- g. other bonuses;
- h. health insurance;
- i. life insurance;
- j. maternity leave;
- k. child-rearing leave;
- l. other leaves of absence;
- m. pensions and retirement benefits;
- n. education leave;
- o. contribution toward educational expenses.

61. Indicate, for every year from July 2, 1964 to the present:

- a. whether a woman is considered for employment if she is pregnant when she applies for work at LAWYERS COOPERATIVE PUBLISHING COMPANY;
- b. how a woman is treated when she becomes pregnant while employed at LAWYERS COOPERATIVE PUBLISHING COMPANY;
- c. what insurance, if any, is paid for the spouse of a male who dies while employed by LAWYERS COOPERATIVE PUBLISHING COMPANY and what insurance is paid to the spouse of a female who dies while employed by LAWYERS COOPERATIVE PUBLISHING COMPANY;
- d. the age for early retirement for males and for females;
- e. the age for regular retirement for males and females.

62. Identify, with sufficient specificity for an eventual Rule 34 request, all documents or other physical

evidence in LAWYERS COOPERATIVE PUBLISHING COMPANY's possession, subject to its control, or of which it has knowledge which would reflect any of the information requested in Interrogatories 57 thru 61 and state to which subsection of the Interrogatory each document or other physical evidence is relevant.

63. List all job classifications or positions at each company facility in the State of New York for which LAWYERS COOPERATIVE PUBLISHING COMPANY presently feels being male or female is a bona fide occupational qualification. Give detailed explanation of reasoning in each instance.

64. Describe in detail the terms upon which LAWYERS COOPERATIVE PUBLISHING COMPANY settled the complaint filed against LAWYERS COOPERATIVE PUBLISHING COMPANY by the Genesee Valley Chapter of the National Organization For Women with the Office of Federal Contract Compliance stating:

- a. the person or persons who negotiated the settlement for LAWYERS COOPERATIVE PUBLISHING COMPANY;
- b. the person or persons who negotiated the settlement on behalf of the Office of Federal Contract Compliance;
- c. the exact terms of the understanding between LAWYERS COOPERATIVE PUBLISHING COMPANY and the Office of Federal Contract Compliance;
- d. the exact changes LAWYERS COOPERATIVE PUBLISHING COMPANY made in its affirmative action program, stating the old and new provisions;
- e. the exact undertakings or promises of LAWYERS COOPERATIVE PUBLISHING COMPANY

- as a result of the settlement;
- f. amount of money given to persons as part of the settlement;
 - g. persons who received money and amount received by each;
 - h. dates and places of settlement negotiations;
 - i. the name and sex of persons who were transferred, promoted, or offered opportunities as a result of the settlement;
 - j. type of notice given by LAWYERS COOPERATIVE PUBLISHING COMPANY to persons who were or could have been affected by the settlement;
 - k. actual changes accomplished by the settlement;
 - l. any and all written communications sent or received as part of the settlement negotiations.

65. Identify with sufficient specificity to form the basis of an eventual Rule 34 request for the production of documents all documents or physical evidence which records, reflects, or otherwise provide the information stated in answer to Interrogatories 63 and 64 and state to which subsection of the Interrogatory each document or other physical evidence is relevant.

66. Identify each person whom LAWYERS COOPERATIVE PUBLISHING COMPANY expects to call as an expert witness, at any hearing and/or trial herein, stating the subject matter on which the expert is expected to testify and the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

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